



FEDERAL BUREAU OF INVESTIGATION

SUPREME COURT

PART 1 OF 14

FILE NUMBER : 62-27585

FILE DESCRIPTION

BUREAU FILE

SUBJECT Supreme Court

FILE NO. 62-27585 (Part 1)

SEP 10 1932

52660

September 7, 1932

MEMORANDUM FOR MR. HATHAN.

62-N

██████████ of the Capitol, called with reference to obtaining the assistance of this Bureau in properly making the necessary arrangements for the laying of the corner-stone of the United States Supreme Court Building on October 17th. ██████████ stated that the President of the United States would be in attendance and that practically all of the high government officials would attend this ceremony and that he was desirous of having the assistance of this Bureau to see that the necessary steps were taken for the proper protection to be rendered. I inform ██████████ that we would be glad to assist him. He will advise me within the course of the next week when he will desire to have a conference.

I wish that you would arrange for Mr. Clegg to attend this conference and to make any arrangements that may be necessary to properly handle this matter insofar as this Bureau is concerned. I understand ██████████ that the actual policing of the grounds, etc., will be done Capitol Police with possibly some assistance from the local police. Quite possible that it may be necessary to station some of our Agents at the stands.

██████████ would also like to have the same arrangements made for September 15th, at which time on the West Front of the Capitol, I understand, the laying of the corner-stone of the Capitol is to be re-enacted by Masonic bodies. ██████████ will communicate with me relative to this matter further and I would like to have Mr. Clegg also give this matter attention.

Very truly yours,

Director.

RECORDED
&
INDEXED

62-27588-1

RECEIVED
SEP 14 1932 P.M.
DEPARTMENT OF JUSTICE

FILE

best copy available

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Division of Investigation

U. S. Department of Justice

Washington, D. C.

February 1, 1935

Time - 3:40 P.M.


MEMORANDUM FOR THE DIRECTOR

7 file (Euf)

61 67c

I telephoned United States Marshal [redacted] of the Supreme Court relative to his request for a couple of Agents to attend court sessions for protection, and informed him that I had discussed the matter with you, and you had advised that such requests would have to be made in the form of writing; that the Division has recently received numerous such requests, and the Department requires that we account to them in such matters; that if he would address such a request to the Division, it would be given appropriate attention.

Respectfully,



E. A. TAMM

1 copy

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84 DEC 2 1964

RECORDED
&
INDEXED

62-27585-11
62-57726-1
FEB 5 1935

FEB 7 - 1935

JOHN EDGAR HOOVER
DIRECTOR

EAT:CEW

Division of Investigation

U. S. Department of Justice

Washington, D. C.

February 1, 1935

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman.....
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Gandy.....

ms.
N

Time - 11:25 A.M.

MEMORANDUM FOR THE DIRECTOR

62-27585-1X
67C
United States Marshal [redacted] of the Supreme Court telephoned me and requested that we have an Agent or two attend the session of court on Monday and possibly Tuesday for the purpose of taking care of any emergency situation which might arise; that there have been persons attending the court sessions who are not at all desirable, and the Marshal felt that it would be more secure if a couple of our Agent were there; that he has previously made this request of Mr. Nathan, and [redacted] of the Field Office has been sent out.

I told [redacted] that I would submit the matter to you for your decision and then let him know.

Respectfully,

E. A. TAMM

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84 DEC 2 1964

FEB 7 - 1935

62-27585-1X
~~62-34476-2~~
DIVISION OF INVESTIGATION
FEB 4 1935
U. S. DEPT. OF JUSTICE
1-022

Office of the Marshal,
Supreme Court of the United States
Washington, D.C.

February 2, 1935.

Mr. J. Edgar Hoover,
Department of Justice,
Washington, D. C.

Dear Sir:

From the very large number of requests coming in for seats in the Court Room on Monday next, we are expecting an unusually large attendance, and it may difficult to maintain order.

Therefore I have the honor to request you, if possible, to let us have the services of two of your men on Monday next, at about 10.30. On several occasions in the past you have assisted us in this way, and you may be sure that your co-operation has always been deeply appreciated.

Very truly yours,

Marshal, Supreme Court, U. S.

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Clegg	.....
Mr. Daughman	.....
Chief Clerk	.....
Mr. Coffey	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Harbo	.....
Mr. Keith	.....
Mr. Lester	.....
Mr. Quinn	.....
Mr. Schilder	.....
Mr. Tamm	.....
Mr. Tracy	.....
Miss Gandy	.....

62-22585-1X2
62-34476-4

FEB 9 1935
U. S. MARSHAL

RECORDED

FEB 11 1935

TAMM

62-22585-1X2

EAT:TAM

RECORDED
INDEXED

Supreme Court of the United States,
Washington, D. C.

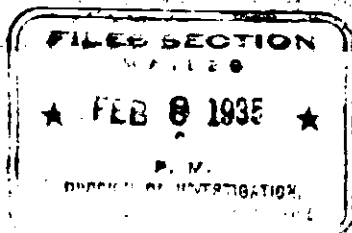
Dear Sir:

Upon receiving your communication of February 2, 1935, requesting the assignment of two Special Agents of the Division to assist you in maintaining order in the Supreme Court on Monday, February 4, 1935, appropriate arrangements were made to have two Special Agents report to you on the date and hour indicated. Subsequently, however, when you advised a Division representative that it would be unnecessary for the Special Agents to assist you on this date, the previous instructions were countermanded.

I appreciate your expression of thanks for the cooperation which the Division has been able to render to you in the past.

Very truly yours,

John Edgar Hoover,
Director.



2

JOHN EDGAR HOOVER
DIRECTOR

Division of Investigation

U. S. Department of Justice

Washington, D. C.

10:20 A.M.

EAT:TAM

February 4, 1935

MEMORANDUM FOR THE DIRECTOR

ms
N
661
b7c
[REDACTED] Marshal for the Supreme Court called and advised that it would be unnecessary to have the Agents assigned to the Supreme Court today and I accordingly called [REDACTED] and countermanded the previous instructions which had been issued to him.

Respectfully,

E. A. Tamm

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

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84 DEC 2 1964

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RECORDED

62-27585-113
62-24476-2
DIVISION OF INVESTIGATION
FEB - 7 1935 A.M.
U. S. DEPARTMENT OF JUSTICE
FILE

FEB 8 1935

FROM
OFFICE OF DIRECTOR, DIVISION OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Nathan	()
Mr. Tolson	()
Mr. Clegg	()
Mr. Appel	()
Mr. Baughman	()
Mr. Coffey	()
Mr. Edwards	()
Mr. Egan	()
Mr. Glavin	()
Mr. Keith	()
Mr. Lester	()
Mr. Quinn	()
Mr. Schilder	()
Mr. Tamm	()
Mr. Tracy	()
Inspector	()
Unit	()
Secretary	()
See me	()
Prepare Reply	()
For Your Information	()
Note and Return	()
File	()

Galbraith
Keith 30
3

Remarks:

Mr. Hoover asks that you
take care of this
W.E.

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Division of Investigation

U. S. Department of Justice

Washington, D. C.

February 9, 1935

Time - 11:15 A.M.

MEMORANDUM FOR THE DIRECTOR

Re: Request of U.S. Marshal [redacted]
Supreme Court for Agents.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman.....
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Gandy.....
of

United States Marshal [redacted] of the Supreme Court telephoned and stated that he would appreciate it very much if we could send two Agents to the court Monday morning; that he is somewhat concerned over the crowd which is coming to the court during the trial of the case there. He further stated that he recalled that I had previously requested him to submit such requests by letter, and that he would be glad to confirm this one by letter.

I told him that while I did not know whether we had any Agents available for such duty at this time, if he would submit a request in the form of a letter, due consideration would be given it. He stated that in the interim if it develops that the Agents will not be needed, he will advise me.

Respectfully,

E. A. TAMM

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RECORDED

FEB 12 1935

62-27585-1X4
62-27585-5
DIVISION OF INVESTIGATION
FEB 11 1935 A.M.
U. S. DEPARTMENT OF JUSTICE
FILE

Office of the Marshal,
Supreme Court of the United States
Washington, D.C.

February 9, 1935.

Mr. J. Edgar Hoover,
Department of Justice,
Washington, D. C.

Dear Sir:

May I make a similar request to that of February 2nd.,
and for the same reasons therein named, viz: that two Special
Agents from your Division be assigned to assist me on Monday
next at 10.30 A. M.

Very truly yours,

Marshal, Supreme Court, U. S.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....

ack.
jms

RECORDED

FEB 14 1935

62-27585-1X5
62-34476-6

DIVISION OF INVESTIGATION	
FEB 13 1935 P.M.	
U. S. DEPARTMENT OF JUSTICE	
K Tamm	FILE

Trans. Division
2-11-35
LMS

JOHN EDGAR HOOVER
DIRECTOR

Division of Investigation

U. S. Department of Justice
Washington, D. C.

EAT:TAM

February 11, 1935

MEMORANDUM FOR THE DIRECTOR

Relative to the request of Marshal [redacted] of the Supreme Court for the attendance of Special Agents of the Division in the Supreme Court on the morning of February 11, 1935, you are advised that [redacted] called on Saturday afternoon to state that the attendance of these Agents would not be necessary on Monday. [redacted] office was so advised.

Respectfully,

E. A. Tamm

Mr. Tolson	.....
Mr. Clegg	.....
Mr. Baughman	.....
Chief Clerk	.....
Mr. Coffey	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

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84 DEC 2 1964

RECORDED

FEB 14 1935

62-27585-1X5
62-34716-6
DIVISION OF INVESTIGATION
FEB 13 1935 P.M.
U. S. DEPARTMENT OF JUSTICE
TAMM
FILE

Office of the Marshal,
Supreme Court of the United States
Washington, D.C.

February 16, 1935.

Mr. J. Edgar Hoover,
Department of Justice,
Washington, D. C.

Dear Sir:

May I make a request similar to that of
February 2nd., and for the reasons stated therein,
that two Special Agents be assigned to assist me
on Monday February 18th., at 10.30 A. M.

Very truly yours,

Marshal, Supreme Court, U. S.

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

advised
Ew
2/16/35.

RECORDED

MAR 1 1935

SEC. 1

62-27585-1X6
62-24476-7
DIVISION OF
FEB 18 1935
TAMM
CHIEF CLERK
2/16/35

Ack 2-23-35
Ew

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

February 16, 1935

N
Time - 3³⁰ PM

MEMORANDUM FOR THE DIRECTOR

Re:

661
674
United States Marshal [redacted] of the Supreme Court telephoned with a request for two men to attend the court session of the Supreme Court on Monday morning. I told him that if he would forward the written request for these men, efforts would be made to have them there at the appointed time.

He stated that since Agent [redacted] of the Washington Field Office appears to be somewhat familiar with the setup out there, he wanted to know if this Agent would be sent. I told him that I had nothing to do with the selection of the men; that the request was transmitted to the Field Office, and the Special Agent in Charge sent whatever men were available.

Respectfully,

EAT
E. A. TAMM

1 copy

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84 DEC 2 1964

RECORDED

FEB 26 1935

62-27585-1X7
62-34476-8
FEB 25 1935
TAMM

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

February 16, 1935.

The Marshal at the Supreme Court requests two agents to be assigned to assist him on Monday, February 18, at 10:30 AM.

Mr. Tamm has advised [REDACTED]

b6, b7c

JOHN EDGAR HOOVER
DIRECTOR

PEF:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 2, 1935.

Time - 1:50 P.M.

MEMORANDUM FOR THE DIRECTOR

United States Marshal [redacted] at the Capitol telephoned Mr. Foxworth and stated that they are expecting a rather large crowd of people on Monday next up there, and wanted to know if it would be possible for the Bureau to furnish him with three men to be present in the crowd in the event an emergency situation arises.

[redacted] said that while he did not know at this time what the situation is with reference to the availability of Agents, he would check the matter, and the Marshal would be contacted some-time later. [redacted] said he can be reached at National 5321.

Respectfully,

E. A. TAMM.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

RECORDED
&
INDEXED

OCT 4 1935

12-27585-2	
FEDERAL BUREAU OF INVESTIGATION	
OCT 8 1935 P.M.	
U. S. DEPARTMENT OF JUSTICE	
TAMM	FILE

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 3, 1935.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tracy
Miss Gandy

Time - 11:07 A.M.

MEMORANDUM FOR THE DIRECTOR

I contacted United States Marshal [REDACTED] of the Supreme Court and informed him that his request of yesterday for the assistance of three Agents for the opening of the Supreme Court Monday next had been discussed with Mr. Hoover, as a result of which instructions had been issued to three Agents to assist [REDACTED] in this matter.

[REDACTED] appeared very appreciative of our cooperation in this matter.

Respectfully,

E. A. TAMM.

RECORDED

INDEXED

OCT 8 1935

62-27585-4

FEDERAL BUREAU OF INVESTIGATION

OCT 7 1935

TAMM

FOUR

10/10

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Aug 1st 12, 1937

2 pm

Mr. Chichester in the Department
advised me that Sen. Black's name
was submitted to the Senate early
this afternoon for the Supreme Court
vacancy.

st

RECORDED
&
INDEXED

62-27585-5	
FEDERAL BUREAU OF INVESTIGATION	
AUG 13 1937 A.M.	
U. S. DEPARTMENT OF JUSTICE	
OLSON	FILE

Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

**Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**

September 20, 1937.

MEMORANDUM FOR THE DIRECTOR

Gordon Dean telephoned me on the evening of September 14, 1937 to inquire whether the Bureau had conducted any investigation at the Department's request of Justices ^{Benjamin N. Owen, Chas. E. Evans} Cardozo, Roberts and Hughes.

The following day I informed Mr. Dean by telephone that the Bureau records did not disclose that the Department had ever requested any investigation of any of these three Justices.

Respectfully,

E. A. TAMM

RECORDED
&
INDEXED.

62-27585-7

FILED

SEP 21 1937

U. S. DEPT. OF JUSTICE

W

Supreme Court

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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JOHN EDGAR HOOVER
DIRECTOR

**Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**

EAT:MC

September 21, 1937.

Time:

MEMORANDUM FOR THE FILE

██████████ was advised I have no information on this but would bring his request to the attention of the Director and would ascertain whether he might be able to make an official statement. I told ██████████ I would call him back in this regard.

back in this regard.
[REDACTED] advised that officially
no comment could be made
upon this matter.

E. A. TAMM

**RECORDED
&
INDEXED.**

62-27585-10
FEDERAL BUREAU OF INVESTIGATION
SEP 22 1937 P.M.
U. S. DEPARTMENT OF JUSTICE
FILES *St. Louis* FILE

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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62-27585-11

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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62-27585-13

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b6,
b7c

[REDACTED]
Bond du Lac, Wis.

Oct. 5-1937

Mr. J. Edgar Hoover
Director of the Federal Bureau of Investigation
Washington, D. C.

125065

Dear Mr. Hoover:

I noticed a very recent press report of the burning of a fiery cross.

I regard the burning of the fiery cross as a trouble provocative, an offense to the religious sentiments of many people, a fear-weaver, and potentially menacing to good government, in that it is used to threaten a person or persons that it will unlawfully take into the hands of its secret band the functions of judgment and punishment. As men such band and their acts are not confined to any one state, it seems to me it is quite likely that your department is already clothed with the requisite legal power to forbid and punish such burning of the fiery cross and also any subsequent attempts to usurp legal authority.

Supreme Court

of your earnest campaign for prevention of crime through the letter as it should be

RECORDED

INDEXED

62-27585-14

FEDERAL BUREAU OF INVESTIGATION

OCT 8 1937 P.M.

U. S. DEPARTMENT OF JUSTICE

ONE

FILE

b6,

b7C

10-5-37

[REDACTED], Du Lac, Wis.

Mr. J. Edgar Hoover, p. 2

the matter involves far more than might appear on the surface.

125066

Membership in the clan, years ago, has served as a pretext for unjust and bitter words and charges against a prominent recent government appointee. Such appointee's public work record for years is sufficient answer, and said record is a guarantee of ability, fitness and stability. However, it is claimed that the clan thus receives a membership boost.

It seems to me your department can so adequately and diplomatically handle the fiery cross manifestations as to render their appearance but poor history.

Sincerely,

[REDACTED]
b6, b7C

KRM: CJ

RECORDED 62-27985 -14

October 13, 1937.

b6
b7c

[REDACTED]
Fond du Lac, Wisconsin.

b6
b7c

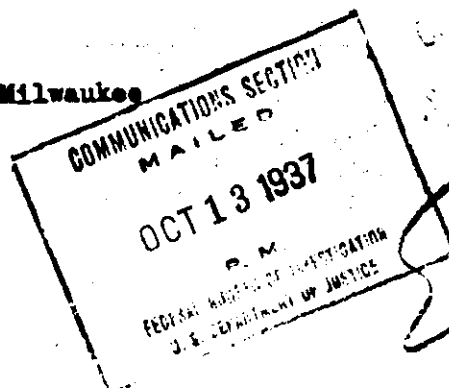
Dear [REDACTED]

I sincerely appreciate the interest which prompted you in directing to me your letter of October 3, 1937. I must advise you, however, that the matters referred to therein do not come within the investigative jurisdiction of this Bureau. For this reason it will be impossible for me to authorize any investigative action in the premises.

Very truly yours,

John Edgar Hoover,
Director.

CC - Milwaukee



283m
RES. DIV.

SUPREME COURT OF THE UNITED STATES.

No. —, Original.—OCTOBER TERM, 1937.

Ex parte Albert V. Levitt,
Petitioner.

Motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court.

[October 11, 1937.]

PER CURIAM.

The grounds of this motion are that the appointment of Mr. Justice Black by the President and the confirmation thereof by the Senate of the United States were null and void by reason of his ineligibility under Article I, Section 6, Clause 2, of the Constitution of the United States, and because there was no vacancy for which the appointment could lawfully be made. The motion papers disclose no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this Court. That is insufficient. It is an established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action and it is not sufficient that he has merely a general interest common to all members of the public. *Tyler v. Judges*, 179 U. S. 405, 406; *Southern Railway Company v. King*, 217 U. S. 524, 534; *Newman v. Frizzell*, 238 U. S. 537, 549, 550; *Fairchild v. Hughes*, 258 U. S. 126, 129; *Massachusetts v. Mellon*, 262 U. S. 447, 488.

The motion is denied.

INDEXED

NOT RECORDED

62-27585-14X

gm

SUPREME COURT OF THE UNITED STATES.

No. —, Original.—OCTOBER TERM, 1937.

Ex parte P. H. Kelley, } Motion for hearing on the title of Mr.
Petitioner. } Justice Black as a member of this
Court.

[October 11, 1937.]

PER CURIAM.

The motion is denied. *Ex parte Albert Levitt*, decided this day.

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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FEDERAL BUREAU OF INVESTIGATION

From: Chief Clerk's Office Room 5519

10/14/ 1937.

To:

Director	Mr. Gurnea
Mr. Nathan	Mr. Lester
Mr. Tolson	Mr. Joseph
Mr. Clegg	Mr. Schilder
Mr. Quinn	Mr. Harbo
Miss Gandy	Ident. Division
Mr. Egan	Files Section
Mr. Foxworth	Mechanical Section
Mr. Tamm	Personnel Files
Mr. Coffey	Washington F. D.
Mr. Tracy	Supply Division
Mr. Crowl	Division of Account.
Mr. Bain	Miss Sheaffer
Mr. Patterson	Mr. Tolson
	Mr. Baughman
	Mr. Clegg
	Mr. Coffey
	Mr. Crowl
	Mr. Egan
	Mr. Foxworth
	Mr. Glavin
	Mr. Harbo
	Mr. Hottel
	Mr. Lester
	Mr. McIntire
	Mr. Naughten
	Mr. Nichols
	Mr. Pennington
	Mr. Schilder
	Mr. Tamm
	Mr. Tracy
	Miss Gandy

See Me

See Mr. Glavin
10-14

AAB

F. P. Glavin

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SUPREME COURT OF THE UNITED STATES.

No. —, Original.—OCTOBER TERM, 1937.

Ex parte Albert Levitt,
Petitioner.

Hugo
Motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court.

[October 11, 1937.]

PER CURIAM.

The grounds of this motion are that the appointment of Mr. Justice Black by the President and the confirmation thereof by the Senate of the United States were null and void by reason of his ineligibility under Article I, Section 6, Clause 2, of the Constitution of the United States, and because there was no vacancy for which the appointment could lawfully be made. The motion papers disclose no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this Court. That is insufficient. It is an established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action and it is not sufficient that he has merely a general interest common to all members of the public. *Tyler v. Judges*, 179 U. S. 405, 406; *Southern Railway Company v. King*, 217 U. S. 524, 534; *Newman v. Frizzell*, 238 U. S. 537, 549, 550; *Fairchild v. Hughes*, 258 U. S. 126, 129; *Massachusetts v. Mellon*, 262 U. S. 447, 488.

The motion is denied.

INDEXED

NOT RECORDED

62-27585-16X

SUPREME COURT OF THE UNITED STATES.

No. —, Original.—OCTOBER TERM, 1937.

Ex parte P. H. Kelley, } Motion for hearing on the title of Mr.
Petitioner. } Justice Black as a member of this
Court.

[October 11, 1937.]

PER CURIAM.

The motion is denied. *Ex parte Albert Levitt*, decided this day.

FROM
THE ATTORNEY GENERAL

TO
Official indicated below by check mark

MEMORANDUM

Solicitor General Fahy
Assistant to the Attorney General Rowe
Assistant Attorney General Arnold, Anti-Trust
Assistant Attorney General Clark, Tax
Assistant Attorney General Shea, Claims
Assistant Attorney General Littell, Lands
Assistant Attorney General Berge, Criminal
Assistant Solicitor General Cox
Mr. Fahy, Director, War Division
Mr. Smith, Special War Policies Unit
Mr. Ennis, Alien Enemy Control Unit
Mr. McNulty, Alien Property Unit
Mr. Hoover, Director, FBI
Mr. Bennett, Director of Prisons
Mr. Harrison, Comm'r. Immigration and Naturalization
Mr. Shaughnessy, Liaison Officer, I. and N.
Mr. Lawrence, Director, Bond and Spirits
Mr. Quinn, Administrative Assistant
Mr. Holtzoff, Special Assistant
Mr. Dickinson, Special Assistant
Mr. Lyons, Pardon Attorney
Mr. Palmer, Director of Personnel
Parole Board
Mr. Donaldson, Chief Clerk
Mrs. Plumley, Appointment Clerk
Mr. DiGirolamo, Division of Records
Mr. Adler, Division of Supplies
Mr. McKevitt, Librarian

Mr. Cerusi
Mr. Gilford
Miss Collins
Mrs. Johnson
Mr. Malcolmson
Mr. Franke
Miss Lanke
Miss Coulson
Miss Felsinger

EW

Mr. Tolson	✓
Mr. E. A. Tamm	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Carson	✓
Mr. Coffey	✓
Mr. Hendon	✓
Mr. Kramer	✓
Mr. Quinn Tamm	✓
Mr. Nease	✓
Miss Gandy	✓

FOR RELEASE ON DELIVERY
12 Noon, Monday, December 21, 1942

AN ADDRESS

by

MR. PAUL A. FREUND

Special Assistant to the
Attorney General

at the

Memorial Services

for

Mr. Justice Brandeis

United States Supreme Court

December 21, 1942

Mr. Tolson	.....
Mr. E. A. Tamm	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson	.....
Mr. Coffey	.....
Mr. Hendon
Mr. Kramer
Mr. McGuire
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

57 JAN 5 1943

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FILED

MR. JUSTICE BRANDEIS

How shall one encompass in a few faltering words the life we have come to commemorate — a life so beautiful, so various, so fruitful? The achievements of Mr. Justice Brandeis were so many, his knowledge so profound, his resourcefulness so formidable, that it would be easy to mistake these for the measure of the man. These were, indeed, the marks of a dedicated life; but it was the dedication that gave it greatness. To realize the promise of America through law — that men might share to the limit of their capacity in the American adventure — was the end to which he devoted all his talents and his energies. In him the lawyer's genius was dedicated to the prophet's vision, and the fusion produced a magnificent weapon for righteousness. In his hand the sword was fringed with fire.

Thus dedicated, his life had the simplicity of greatness. All his labors were given coherence and direction and moral intensity by being made to serve two fundamental beliefs: That responsibility is the developer of men, and that excessive power is the great corruptor. "Care is taken," he liked to quote from the German, "that the trees do not scrape the skies." He believed with Lord Acton that all power corrupts and that great power corrupts greatly. He believed with the Stoic philosophers that no man is so like unto himself as each is like to all. For him the democratic faith was not, however, simply dogma. Partly it was parental inheritance from the Pilgrims of '48; but above all it was confirmed by the rich experience of life. Convinced as he was that ordinary men have great capacity for moral and intellectual growth through the sharing of responsibility, and the

limits of capacity in even the best of men are soon reached, the democratic faith was for him grounded in urgent necessity no less than in moral duty.

This faith transformed his tireless mastery of detail into the pursuit of an ideal. At the bar he brought his great gifts of analysis, of painstaking study, and of constructive statesmanship to the service of his belief in the common man. In the field of labor relations, he devised a plan of industrial peace which called for continuous collaboration between employer and labor, a continuous sharing in the responsibilities of management. In the field of finance, he insisted on the limitations of mortal understanding in endeavoring from the vantage point of the exchanges to direct giant industrial enterprises. Perhaps his proudest achievement while at the bar was the establishment of the system of savings bank industrial life insurance in Massachusetts. This system, as he envisaged it, would not simply give added security and so additional freedom to the workers; more than that, it would be a demonstration of what could be accomplished in an undertaking of modest size by ordinary men working without the prestige of position that has come to those who manage large aggregations of other people's money.

All his views were grounded in the same distrust of bigness, the same sense of urgency that the energies of all men should be released and utilized. He was profoundly attached to the principle of Federalism. He lost no opportunity to advise young lawyers that the United States was not Wall Street or even Washington; that if one went there on a tour of duty one should not overstay his time; that talents and + should be taken back to the home community.

On the bench his sense of the fallibility of judgment did not leave him. It remained as a guiding canon in the decision of constitutional cases. He would not be seduced by the attractions of opportunism. His own integrity, and his faith in the integrity of traditions, were too strong. When the Court was prepared, as in the first Tennessee Valley Authority case, to announce constitutional doctrine which had his full approval, he none the less raised his voice in protest at what he regarded as an unwarranted anticipation of the constitutional question. No inconsiderable part of his labors on the Court went into the exacting art of staying the judicial hand lest it decide more than was required by the case at bar. In the one or two instances in which it may be suggested that he departed from his canon of judicial parsimony -- instances where he took occasion to cast constitutional doubt on declaratory judgments and on a general Federal common law -- it is worth observing that the departures were in the interest of confining the powers of the Federal courts. No one was more sensitive than he to the limitations on the function of the Court; and yet no one succeeded more notably than he in combining the role of judge and teacher. One remembers the preparation of the first opinion of a Term, which had finally passed what seemed to be the ultimate revision, and the Justice's disquieting observation: "The opinion is now convincing, but what can we do" -- he was always excessively generous in the use of the plural -- "but what can we do to make it more instructive?"

His conception of the office to which he had been called is revealed by glimpses into what only seem to be the small incidents of his character, for in the perfect harmony of his life nothing that became a part of it could be trivial. He could never quite reconcile himself to the grandeur of the Court's new edifice, lest the power of the Court might in some measure come to rest on the majesty of office rather than on the inward strength of the appeal to reason. So dominant was his devotion to reason that his opinions attempted even to satisfy unsuccessful counsel. No relevant argument was to pass unnoticed, and if a petition for rehearing was filed, the Justice felt a sense of failure, though I never quite understood why the intransigence of the advocate should be a fault attributed to the judge. No one who ever heard the Justice deliver a major opinion from the bench could fail to understand the symbolism, and more than symbolism, of the occasion: the patient earnestness with which he explained to the small assemblage the facts of the case and the reasons for the decision, as if in acknowledgment that the Court is a lawgiver only as its decrees find rational acceptance, as if in the hope that none might go away unpersuaded.

Those who had an opportunity to observe his judicial labors would wish to speak, I am sure, of his method of work. Every case that fell to him for opinion gave fresh occasion for the application of his principle that knowledge should precede understanding, and understanding should precede judging. Unremitting toil was taken as a matter of course, some of it performed in those dim hours of which his secretaries -- the frailty of youthful nature being what it is -- could speak, I suspect,

only circumstantially. It is no secret that his opinions went through dozens, even scores, of painstaking revisions. If they have a quality that is monumental and massive, it is only because they were granite-hewn and sculptured with infinite care. Those who shared in some small way in this undertaking were given an unforgivable experience of whole-souled devotion to a great calling.

"All can grow the flower now,
For all have got the seed."

Those who knew him would say these things, but they would speak finally and above all of his moral intensity, his spiritual greatness. His was the quality that by a word could lift the heart, by a nod enkindle the spirit. His moral judgments were stern, and they probed deep. To him unemployment was "the most sinful waste." The persecution of helpless people brought him not only the common sense of grief, but even more strongly a sense of shame at the slowness with which the nations of the earth made protest. He was not a sentimentalist. He could not be swayed from a course he believed morally right by being told that it would involve unfortunate hardships. He realized that victories cannot be won without a struggle and that a price must be paid for every advance.

In a life fraught with more than one man's share of sharp encounters, his faith in the understanding and morality of the multitude gave him serenity. He never yielded to despair, and to gloom only when he found too many men complacent. Moral obtuseness and faintness of heart were the enemies to be dreaded. So it was that when he was asked in the dark days of 1933 whether he believed the worst was over, he could answer almost cheerfully that the worst had happened before 1929. He had his formula for success: brains, rectitude, singleness of purpose, and

To flagging spirits he would hold these up as a banner that could never be struck.

It is fitting that we pause at this moment in the world's history to contemplate his life and draw strength from his spirit. For was it not of such a spirit that the poet of another war has spoken: "The pride of the United States leaves the wealth and finesse of the cities and all returns of commerce and agriculture and all the magnitude of geography or shows of exterior victory to enjoy the breed of fullsized men or one fullsized man unconquerable and simple."

FOR RELEASE ON DELIVERY

12 Noon, Monday, December 21, 1942

An Address

by

The Honorable Francis Biddle

Attorney General of the United States

at the

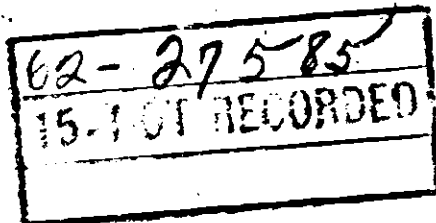
Memorial Services

for

Mr. Justice Brandeis

United States Supreme Court

December 21, 1942



Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

Mr. Chief Justice and Members of the Court

We are gathered today to honor the memory of a great American - Louis D. Brandeis. In paying our tribute to that memory we speak for the Bar and the Bench. Yet we speak too not only as lawyers, gathered to record his extraordinary contribution to the profession in which we have spent our lives, but as Americans, joined now for a moment that we may try to express what he did for our country. It is timely that at this moment we should think of Mr. Justice Brandeis in this broader sense, for those inherent values that he held dear are being desperately defended throughout the world. As we fight today we are redefining among ourselves and among those with whom we are allied the meaning and the reality of those values. If this war touches us more deeply than any war, it is to the extent that we feel the essentials of our freedom beyond the sounds of words that we and others have spoken. To ourselves we must, day by bitter day, rediscover and reaffirm what constitutes our old American faith.

Brandeis spent his life in such a continued reaffirmation. I suggest, Mr. Chief Justice, that here is a very rare and very moving thing to remember; to remember again in the years that will come after this war, terrible years, or years of hope and growth, according as we shape them. Today again men are dying for the faith they cherish; Brandeis lived for that same faith, quietly dedicated his life to the service of his country. To be sure he was too fundamentally simple to think of anything he did as a dedication. But as much as anyone I have ever known he was innately selfless. Nor was it the selflessness of a man who held off the world. Brandeis lived intensely in his world - a

where the economic struggle for power, the wretched inequalities between and suffering, the failure of the accepted democratic processes to give the needs of a new industrial era enlisted his heart as well as his

(OVER)

His preparation for his twenty-three years on this Court thus transcended his wide and varied experience in practice which had brought him to the front of his profession. But in the practice the same qualities stood forth: there was the battle for cheap insurance which led to the adoption of the savings banks insurance legislation in Massachusetts; the successful campaign for lower gas rates in Boston; the Ballinger-Pinchot investigation which resulted in centering public attention on the vital need of immediate and effective conservation programs; his chairmanship of the board of arbitration in the needle trades; his representation of the interests of consumers and workmen in many fields.

Although he was frugal and ascetic, living a life of steady concentration and immense work on the problems before him, his singleness of purpose never limited the friendly sympathy of his nature, or the curiosity of his mind. He was without prejudices, as he was without clichés. The asceticism, and his fundamentally moral outlook gave him in the eyes of many of his friends the quality of a saint. Mr. Justice Holmes felt this reverence for his younger associate. "Whenever he left my house," Holmes wrote of him in 1932, "I was likely to say to my wife, 'There goes a really good man. . .'. In the moments of discouragement that we all pass through, he always has had the happy word that lifts up one's heart. It came from knowledge, experience, courage, and the high way in which he always has taken life."

Yet Justice Brandeis had none of the mystic essence which we associate with sainthood. He was practical, realistic, patient, persistent. He brought the mind of a trained social scientist to the analysis of legal opinion, a decision, a method which is beautifully illustrated in his brief in the Oregon law fixing a ten-hour day for women wage earners. There the law; the other ninety-seven diagnose factory conditions and their

individual workers and the public health. This approach has had a profound influence on the method of presenting arguments in cases involving social legislation, and, I suggest, on the outlook of courts to social problems. That judges today are more realistic, less given to the assumption of accepted dogmas, more mature and more curious-minded, is largely due to the influences of Brandeis. "What we must do in America," he once said, a few years before he was made a judge, "is not to attack our judges but to educate them. All judges should be made to feel, as many judges already do, that the things needed to protect liberty are radically different from what they were fifty years back. . . In the past the courts have reached their conclusions largely deductively from preconceived notions and precedents. The method I have tried to employ in arguing cases before them has been inductive, reasoning from the facts."

I hesitate to suggest that Brandeis had a philosophy of life for I do not think of him primarily as a philosopher. Do not philosophers deal with generalities that take shape of the universal and glitter above and below the realm of the restless particular? Unlike Mr. Justice Holmes, who, distrustful though he was of the essences, yet felt that the nature of man was to indulge in their formulation, Brandeis, clear in his first principles, was truly empirical in his preoccupations. While Holmes' doubts were philosophic, Brandeis' were scientific. "I have no general philosophy," he said. "All my life I have thought only in connection with the facts that came before me. . . We need not so much reason as to see and understand facts and conditions." He believed profoundly that behind every argument is someone's ignorance, and that disputes generally arise from misunderstanding. President Wilson knew this when, after the hearings on the Justice's appointment which had lasted for three months, he

(OVER)

wrote Senator Gilbertson, the chairman of the Judiciary Committee. "I cannot speak too highly of his impartial, impersonal, candid and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions, and his knowledge of economic conditions and the way they bear upon the masses of the people."

Mr. Justice Brandeis' fundamental thought running through the whole frame and direction of his efforts, was always of man. - "Man (to quote Albert Lief) struggling with oppressive forces in society. Man's right to full development. The infinite possibilities in human creativeness. Man's limitations, too. But especially the breadth of national achievement which can come when energies are released." He voiced this approach many times, never more profoundly than in his testimony before the Commission on Industrial Relations in 1914, more remarkable for having been delivered extemporaneously. "We must," he told the Committee, "bear in mind all the time that however much we may desire material improvement and must desire it for the comfort of the individual, the United States is a democracy and that we must have, above all things, men. It is the development of manhood to which any industrial and social system should be directed."

That, I believe, was the chief reason why he was so deeply concerned with the growth of huge corporations as presenting a grave danger to American Democracy by what he called "capitalizing free Americans." In his dissenting opinion in Liggett v. Lee, he spoke of the "widespread belief . . . that by the control which the few have exerted through giant corporations, individual initiative and effort are being paralyzed, creative power impaired and human happiness lessened; that the true prosperity of our part came not from big business, but through the courage, the energy and the resourcefulness of small men. . . ."

His belief, therefore, in preserving our fundamental rights protected by the Constitution, was no matter of individual preference, however strongly felt; a free climate of thought is indispensable for the development of individual men. "Those who won our independence," he wrote in a concurring opinion in Whitney v. California, "believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government."

He believed in seeking "for betterment within the broad lines of existing institutions," as he once wrote Robert W. Bruere, for progress is necessarily slow, and remedies necessarily tentative. "The development of the individual is," he added, "both a necessary means and the end sought. For our objective is the making of men and women who shall be free, self-respecting members of a democracy - and who shall be worthy of respect . . . The great developer is responsibility."

He believed, never doubting, in Democracy. But he knew it to be a undertaking which "substitutes self-restraint for external restraint," knew also that Democracy "demands continuous sacrifice by the individual and exigent obedience to the moral law than any other form of government." Its success must proceed from the individual, and "his development is attained mainly in the process of common living."

(OVER)

and as Brandeis believed that every man in this country should have an equal opportunity, and not only what he termed "equal opportunity." He was convinced that industrial unrest would not be removed until the worker was given, through some method, a share in the management and responsibility of the business. The social justice for which we are striving was for him not the end but a necessary incident of our democracy. The end is the development of the people by self-government in the fullest sense, which involves industrial as well as political democracy.

Thus holding that Democracy was based on the theory that men were entitled to the pursuit of life and of happiness, and that equal opportunity advances civilization, he saw the threat to this way of life from the opposing view that one race was superior to the other. Less than a year after the first World War had begun he expressed this fundamental difference of conception, speaking before the New Century Club in Boston, twenty-seven years ago: "America," he said, "dedicated to liberty and the brotherhood of man, rejected heretofore the arrogant claim that one European race is superior to another. America has believed that each race had something of peculiar value which it could contribute to the attainment of those high ideals for which it is striving. America has believed that in differentiation, not in uniformity, lies the path of progress. Acting on this belief, it has advanced human happiness and it has prospered."

Today Brandeis takes his place in the moving stream of history great American whose life work brought nearer to fulfillment the essential American belief in equality of opportunity and individual freedom. That Jefferson, whom Brandeis once referred to as the "first civilizer," had cherished, and Lincoln, sprung from such different roots, Brandeis their tradition, the American tradition of those who affirm the integrity of men and women.

SUPREME COURT OF THE UNITED STATES.

Nos. 183, 186, 187.—OCTOBER TERM, 1942.

Thomas J. Pendergast, Petitioner,
183 vs.

The United States of America.

Robert Emmet O'Malley, Petitioner,
186 vs.

The United States of America.

A. L. McCormack, Petitioner,
187 vs.

The United States of America.

On Writs of Certiorari to
the United States Circuit
Court of Appeals for the
Eighth Circuit.

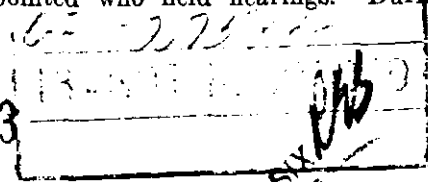
[January 4, 1943.]

Mr. Justice DOUGLAS delivered the opinion of the Court.

Petitioners, together with one Street now deceased, conceived and executed a nefarious scheme in fraud of the federal District Court and in corruption of the administration of justice. The short of it was that petitioners by fraud and deceit and through misrepresentations by attorneys induced the court to issue decrees effectuating a corrupt settlement of litigation. It happened this way:

Several insurance companies doing business in Missouri filed with the Superintendent of Insurance an increase in insurance rates which the Superintendent denied. The insurance companies filed over 130 separate injunction suits against the Superintendent and the Attorney General in the federal court to restrain the enforcement of certain statutes of Missouri on the ground of unconstitutionality. A three-judge court was convened which granted motions for interlocutory injunctions on July 2, 1930, whereby the Superintendent and the Attorney General were enjoined, pending final decision, from enforcing the Missouri statutes—on condition, however, that the insurance companies deposit the amount of increase in rates which was collected with a custodian of the court to await the final outcome of the litigation. In September 1930 a special master was appointed who held hearings. During this

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55 MAR 25 1943



time the premiums impounded by the court accumulated, until by 1936 they amounted to almost \$10,000,000.

The lure of this sizeable amount of other people's money played an important part in the scheme which was hatched.

Street was in charge of the rate litigation for the insurance companies. Pendergast was a "political boss". O'Malley was the then Superintendent of Insurance. McCormack was an insurance agent. Of these only O'Malley was a party to the litigation. Street agreed to pay Pendergast a "fee" of \$750,000 to use his influence over O'Malley and obtain a settlement of the litigation which would be satisfactory to the insurance companies. O'Malley was agreeable. McCormack was the go-between. Street made an initial payment of \$100,000 in currency which was divided \$55,000 to Pendergast, \$22,500 to O'Malley, and \$22,500 to McCormack. Thereafter an agreement was reached and reduced to writing in form of a memorandum. O'Malley would approve as of June 1, 1930, 80% of the increase in rates which the companies had sought; the parties would appear by their attorneys and join in seeking appropriate orders for distribution of the impounded money; 20% was to go to the policy holders, 50% directly to the insurance companies, and 30% to Street and another as trustees for the insurance companies. The latter were to account to the companies but not to the court or the Superintendent. The memorandum agreement was not disclosed to the court. But on June 18, 1935, the insurance companies filed in each case a motion reciting terms of settlement and praying for an order of distribution. On the next day the insurance companies and O'Malley filed stipulations agreeing that the court should make the order of distribution. Thereafter on June 22, 1935, October 26, 1935 and January 24, 1936, hearings were held in open court on the motions, and briefs were filed. Counsel, who were wholly innocent and acting in good faith, assured the court of the honesty, fairness, and desirability of the settlement. On February 1, 1936, the court acting in reliance on the representations and without a hearing on the merits entered a decree ordering distribution of the impounded funds as prayed in the motions. It also dismissed the bills, reserving jurisdiction, however, for certain purposes.

Petitioners then proceeded further with their corrupt plan. About April, 1936, Street paid \$330,000 in currency of which Pendergast received \$250,000, O'Malley \$40,000 and McCormack \$40,000. In the fall of 1936, Pendergast received another \$10,000

in cash from Street. That left \$310,000 of the \$750,000 "fee" unpaid. And so far as appears it was never paid due to the unraveling of facts which led to an exposure of the entire corrupt scheme. For about that time an internal revenue investigation of Street's income tax return disclosed that over \$400,000 of the funds for which Street was to account as trustee had been paid to unknown persons. This was reported to the Court in February 1939. A grand jury investigation followed in which the rest of the sordid story was unfolded. See *United States v. Pendergast*, 28 F. Supp. 601. The Department of Justice caused Pendergast and O'Malley to be indicted for evasion of income taxes on the amounts of money so received. They pleaded guilty and were fined and imprisoned late in May, 1939. *Id.* On May 29, 1939, O'Malley's successor filed a motion praying that the decrees of February 1, 1936, be set aside on the basis of those disclosures and that the insurance companies be ordered to restore the funds distributed to them. The court ordered the insurance companies to make restitution; and they did. At the same time the court asked the district attorney whether contempt proceedings should be filed. About a year passed when the court on May 20, 1940, requested the district attorney to institute contempt proceedings against petitioners. An information was filed July 13, 1940. Motions to abate and quash were overruled. 35 F. Supp. 593. Thereafter answers were filed and a hearing had. Petitioners were adjudged guilty of contempt—Pendergast and O'Malley being sentenced to two years' imprisonment and McCormack being sentenced to probation for two years. 39 F. Supp. 189. The Circuit Court of Appeals affirmed. 128 F. 2d 676. We granted the petition for certiorari because of the importance in the administration of justice of the problems raised.

Petitioners press several objections to the judgment below. The chief of these are that the offense was not a contempt under § 268 of the Judicial Code (28 U. S. C. 385) as construed by *Nye v. United States*, 313 U. S. 33, and that even though it was, the prosecution of it was barred by the three year statute of limitations contained in § 1044 of the Revised Statutes, 18 U. S. C. § 582. We do not reach the first of these questions and need not express an opinion on it. For although we assume *arguendo* that the Circuit Court of Appeals was correct in holding (128 F. 2d p. 683) that the conduct of petitioners was "misbehavior" in the "presence" of the court within the meaning of § 268 of the Judicial

Code and therefore punishable as a contempt, we are of the opinion that this prosecution was barred by § 1044 of the Revised Statutes.

That section provides: "No person shall be prosecuted, tried, or punished for any offense, not capital . . . unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed" It would seem that the statute fits this case like a glove. If the conduct in question was a contempt, there can be no doubt that it was a criminal contempt as defined by our decisions. See *Nye v. United States*, *supra*, pp. 41-43 and cases cited. As such it was an "offense" against the United States within the meaning of § 1044. It was held in *Gompers v. United States*, 233 U. S. 604, that a wilful violation of an injunction, likewise punishable as a contempt under § 268 of the Judicial Code, was such an "offense". And see *United States v. Goldman*, 277 U. S. 229. Cf. *Ex Parte Grossman*, 267 U. S. 87. It was said in the *Gompers* case that those contempts were "infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech." 233 U. S. p. 610. That observation is equally pertinent here. Moreover, we can see no reason for treating one type of contempt under § 268 of the Judicial Code differently in this respect from others under the same section. No such difference is discernible from the language of § 1044. Because of that and because of the further circumstance that Congress classified them together in defining the offense in § 268, we can hardly conclude that a distinction between them for purposes of § 1044 should be implied. Furthermore, the fact that this prosecution was by information, the absence of which has been held not fatal under § 1044 (*Gompers v. United States*, *supra*, pp. 611-612) brings the case squarely within the language of the section.

Certainly the power to punish contempts in the "presence" of the court, like the power to punish contempts for wilful violations of the court's decrees "must have some limit in time". *Gompers v. United States*, *supra*, p. 612. It is urged, however, that there is no limitation on prosecutions for contempts in the "presence" of the court except as one may be implied from the conclusion of the proceeding in which the contempt arises. But if we are free to consider the matter as open, no reason for that different treatment of contempts in the "presence" of the court is apparent.

Adams v. Woods, 2 Cranch 336, held that this statute of limitations was applicable to an action of debt for a penalty. Chief Justice Marshall stated that it would be "utterly repugnant to the genius of our laws" to allow such an action to lie "at any distance of time". *Id.*, p. 342. That observation is equally apt here. Proceedings like the rate litigation out of which this prosecution arose might well continue for years on end awaiting final disposition of all the funds. If there is a contempt, it takes place when the "misbehavior" occurs in the "presence" of the court. Statutes of limitations normally begin to run when the crime is complete. See *United States v. Irvine*, 98 U. S. 450. Every statute of limitations, of course, may permit a rogue to escape. Yet as Chief Justice Marshall observed in *Adams v. Woods*, *supra*, p. 342, "not even treason can be prosecuted after a lapse of three years". That was still true at the time of this offense. See R. S. § 1043, 18 U. S. C. § 581. There is no reason why this lesser crime, punishable without some of the protective features of criminal trials, should receive favored treatment.

But it is said that the contrary conclusion is to be inferred from *Gompers v. United States*, *supra*, because this Court took pains to point out that its ruling was applicable only to proceedings for contempt "not committed in the presence of the court." 233 U. S. p. 606. But that reservation, made out of an abundance of caution, also extended to "proceedings of this sort only" (*id.*, p. 606) *viz.* proceedings where no information was filed. *Ex parte Terry*, 128 U. S. 289, 314, sanctioned summary punishment for "direct contempts" committed in the "presence" of the court. The question whether that procedure could be followed "at a subsequent term, or at a subsequent day of the same term" was specifically reserved. *Id.*, p. 314. That is a procedural problem peculiar to direct contempts in the face of the court (see *Cooke v. United States*, 267 U. S. 517) and obviously has no relevancy to the problem of the statute of limitations.

The prosecution contends, however, that the offense consisted in the imposition of a fraudulent scheme upon the court, that successful execution of the scheme required not only misrepresentations to the court but continuous cooperation in concealing the scheme until its completion, that the fraud on the court would not be fully effected until 80% of the impounded funds was distributed to the insurance companies and \$750,000 paid by Street and divided among petitioners. On that theory the fraudulent scheme, though

commenced before the three year period, continued thereafter. Accordingly, it is argued, by analogy to such cases as *United States v. Kissel*, 218 U. S. 601, 607-608; *Hyde v. United States*, 225 U. S. 347, 367-370; *Brown v. Elliott*, 225 U. S. 392, 400-401, that the statute of limitations began to run only after the latest act in the execution of the scheme. It is true that the information was drawn on the theory of such a continuing offense. But the difficulty with that theory lies in the nature of the offense described by § 268 of the Judicial Code.

That section, so far as material here, limits the power "to punish contempts" to cases of "misbehavior" in the "presence" of the court. If this was an ordinary criminal prosecution brought under § 135 of the Criminal Code (18 U. S. C. § 241) for "corruptly" obstructing "the due administration of justice", quite different considerations would govern. The fact that the acts were not in the "presence" of the court would be immaterial. And we may assume that a fraudulent scheme of the character of the present one would constitute a continuous offense under that section. We may also assume that certain "misbehavior" in the "presence" of the court might constitute an offense under § 135 of the Criminal Code as well as a contempt under § 268 of the Judicial Code, so as to give a choice between prosecution before a jury and prosecution before a judge. But the offense of "misbehavior" in the "presence" of the court does not have the sweep of "corruptly" obstructing or conspiring to obstruct "the due administration of justice". Congress restricted the class of offenses for which one may be tried without a jury. In the present case as in prosecutions for contempt for wilful violations of injunctions (*Gompers v. United States*, *supra*, p. 610) each act "so far as it was a contempt, was punishable as such" and therefore "must be judged by itself". As we have said, once the "misbehavior" occurs in the "presence" of the court, the crime is complete. It is conceded that but for the misrepresentations made to the court there would have been no "misbehavior" in its "presence" within the meaning of § 268 of the Judicial Code. And it is not claimed that there were any misrepresentations made to the court within three years of the filing of the information; or if May 29, 1939, the date when the court directed the inquiry, be deemed the important one (*Gompers v. United States*, *supra*, p. 608) there is no contention that any such misrepresentations were made within three years of that time. It is not fraud on the court which § 268

makes punishable as a contempt, unless that fraud is "misbehavior" in the "presence" of the court or "so near thereto as to obstruct the administration of justice". And, if the latter requirements are not met, the fact that the fraud may be "misbehavior" is not sufficient. The mere continuance of a fraudulent intent after an act of "misbehavior" in the "presence" of the court does not make that "misbehavior" a continuing offense under § 268. The misrepresentations to the court made possible, of course, the consummation of this nefarious scheme. But each subsequent step in that scheme did not constitute a contempt unless, like the misrepresentation itself, it was "misbehavior" in the "presence" of the court or "so near thereto as to obstruct the administration of justice". No such showing has been made here and none has been attempted. The fact that the scheme was fraudulent and corruptly obstructed the administration of justice does not enlarge the limited power to punish for contempt. It merely means that if petitioners can be punished, it must be through the ordinary channels of criminal prosecutions under the Criminal Code. We are forced to conclude that any contempt committed occurred not later than February 1, 1936, when the court ordered the distribution of the impounded funds. It was therefore barred by the statute of limitations.

Reversed.

Mr. Justice MURPHY took no part in the consideration or disposition of this case.

Mr. Justice JACKSON, dissenting.

I do not agree that we should leave undecided the question whether conduct of this sort constitutes punishable contempt. To use bribery and fraud on the Court to obtain its order for disbursement of nearly \$10,000,000 in trust in its custody is not only contempt but contempt of a kind far more damaging to the Court's good name and more subtly obstructive of justice than throwing an inkwell at a Judge or disturbing the peace of a courtroom. I would hold the conduct of these petitioners to be "misbehavior" and within the "presence" of the Court and hence a contempt within the meaning of the statute. I should not deflect what

seems to be the course of practical and obvious justice in this case by resort to metaphysical speculations as to the effect of absence of the schemers from the courtroom when attorneys whom also they had deceived obtained the order from the Court.

Neither can I agree with the Court's conclusion that this contempt expired with the setting sun and the statute of limitation then began its work of immunizing these defendants. The fraud had as its object not merely to get the Court order, but to get the money from the Court's custody. The contempt and the fraud did not cease to operate so long as the money was being disbursed in reliance upon it, and by virtue of its concealment.

Hence, I find no good reason for interfering with the effort of the lower court to bring these men to account for their fraud on it.

Mr. Justice FRANKFURTER.

I wholly agree with the conclusion of Mr. Justice JACKSON that the petitioners' conduct constituted a contempt within the meaning of Section 268 of the Judicial Code, 28 U. S. C. § 385. But I am also compelled to conclude, for the reasons stated in the opinion of the Court, that prosecution for such offense is barred by the applicable statute of limitations, R. S. § 1044, 18 U. S. C. § 582.

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OFFICE OF THE ATTORNEY GENERAL
Washington, D. C.

January 13, 1943

Order No. 3176
Supplement No. 1

Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Coffey	
Mr. Hendon	
Mr. McGuire	
Mr. Mumford	
Mr. Quinn Tamm	
Mr. Nease	
Miss Gandy	

TO THE HEADS OF THE LEGAL DIVISIONS:

The ⁰Supreme Court Advisory Committee on Federal Rules of Civil Procedure have announced that, in accordance with recent authorization from the Supreme Court, the Committee are about to proceed to the consideration of proposed amendments to those Rules. The announcement further states that any suggestions from the bench and bar will be considered.

If you, or any of the attorneys in your Division, have any suggestions for amendments to the Rules, I suggest that the attorneys' suggestions be sent to you and by you forwarded to Mr. Holtzoff in Room 5118, together with your own suggestions and such comments on the suggestions of the attorneys in your Division as you may care to make, for transmission by him to the Advisory Committee.

All suggestions should be in Mr. Holtzoff's hands not later than January 28, and sooner if possible. An original and three copies of each suggestion and comment should be sent to him.

I am having sent to you sufficient copies of this memorandum to send one to each attorney in your Division.

FRANCIS BIDDLE,

Attorney General.

62-27585-
216
50 JAN 26 1943

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI
 FROM : SAC, Savannah

DATE: January 18, 1946

SUBJECT: ~~SPECIAL AGENTS' ADMITTANCE TO THE~~
UNITED STATES SUPREME COURT

Mr. Tolson
 Mr. E. A. Tamm
 Mr. Clegg
 Mr. Glavin
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Carson
 Mr. Egan
 Mr. Gurnea
 Mr. Hendon
 Mr. Pennington
 Mr. Quinn Tamm
 Tele. Room
 Mr. Nease
 Miss Gandy

From time to time Special Agents of this Field Office have made inquiries regarding their admittance to the United States Supreme Court while they were attending In-Service Training. The files of the Savannah Field Office fail to reflect any information regarding this matter. I would appreciate it if you would furnish this office with the information and requirements regarding the admittance of Special Agents to the United States Supreme Court while attending In-Service Training.

FEDERAL BUREAU OF INVESTIGATION

Room 5517 1128 1946
 Telephone 333

To:

<input type="checkbox"/> Director	<input type="checkbox"/> Mr. Jones
<input type="checkbox"/> Mr. Tolson	<input type="checkbox"/> Mr. Laughlin
<input type="checkbox"/> Mr. E. A. Tamm	<input type="checkbox"/> Mr. Long
<input type="checkbox"/> Mr. Clegg	<input type="checkbox"/> Mr. Mumford
<input type="checkbox"/> Mr. Coffey	<input type="checkbox"/> Mr. Nease
<input type="checkbox"/> Mr. Glavin	<input type="checkbox"/> Mr. Cartwright
<input type="checkbox"/> Mr. Ladd	<input type="checkbox"/> Mr. Pennington
<input type="checkbox"/> Mr. Nichols	<input type="checkbox"/> Mr. Pfafman
<input type="checkbox"/> Mr. Rosen	<input type="checkbox"/> Mr. Renneberger
<input type="checkbox"/> Mr. Tracy	<input type="checkbox"/> Mr. Q. Tamm
<input type="checkbox"/> Miss Gandy	<input type="checkbox"/> Ident. Division
<input type="checkbox"/> Mr. Carson	<input type="checkbox"/> Records Section
<input type="checkbox"/> Mr. Conrad	<input type="checkbox"/> Mail Room
<input type="checkbox"/> Mr. Egan	<input type="checkbox"/> Mechanical Section
<input type="checkbox"/> Mr. Harbo	<input type="checkbox"/> Personnel Files
<input type="checkbox"/> Mr. Hendon	<input type="checkbox"/> Dept. Supply Division
<input type="checkbox"/> Mr. Hince	<input type="checkbox"/> Division of Accounts
	<input type="checkbox"/> Appointment Clerk
	<input type="checkbox"/> Miss Day
<input type="checkbox"/> See Me	<input type="checkbox"/> Mrs. Skillman
<input type="checkbox"/> Phone Me	<input type="checkbox"/> Washington F. D.
<input type="checkbox"/> Record & Route	
<input type="checkbox"/> Forward To	

Note & Return
 Send File

Write. Check 2 Sec. 1
Call Sol. Sec. 1
1st Mon.

W. R. Glavin

4-71 85 18
SAC, SAVANNAH

February 4, 1946

JOHN EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

SPECIAL AGENTS' ADMITTANCE TO THE UNITED STATES SUPREME COURT

Your communication of January 18, 1946 makes inquiry concerning the procedure to be followed for Agents' admittance to the United States Supreme Court while they are attending In-Service Training.

The Agent should write to the Clerk of the United States Supreme Court making a request for the necessary forms for application for admittance to the United States Supreme Court. These forms should be completely filled out prior to the Special Agent's departure for In-Service Training.

Upon his arrival in Washington on the first Monday morning, he should contact the Solicitor General's Office not later than 9:30 A.M. and make known his desire for admittance to the United States Supreme Court. Arrangements will be made by the Solicitor General to meet the Special Agent at the Supreme Court Building at 11:30 A.M. of the same day, the first Monday of the In-Service School and will present the application of the Special Agent for admittance to the Supreme Court.

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614
[REDACTED]

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Coffey	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

RECORDED COPY FILED IN 100-117-44

Mr. Tolson ☒
 Mr. E. A. Tamm ☒
 Mr. Clegg ☒
 Mr. Coffey ☒
 Mr. Glavin ☒
 Mr. Ladd ☒
 Mr. Nichols ☒
 Mr. Rosen ☒
 Mr. Tracy ☒
 Mr. Carson ☐
 Mr. Egan ☐
 Mr. Hendon ☐
 Mr. Pennington ☐
 Mr. Quinn Tamm ☐
 Mr. Nease ☐
 Miss Gandy ☐

4-4 Split Is Hinted Supreme Court Shoves 3 Cases Aside Until Jackson Returns

By John B. Owen
 Associated Press Staff Writer

The eight-man Supreme Court yesterday shunted aside three important cases until its ninth member gets back, an action which possibly indicated a 4 to 4 split.

The court ordered the issues argued all over again when Justice Robert H. Jackson returns from prosecuting the Nazis at Nuernberg.

The cases involved:

1. Validity of a Hatch Act ban on political campaigning by employees of the Federal executive branch. A CIO union of Government employees contested it as violating freedom of speech, press and assembly.

2. Federal power to prevent plural marriages. Six persons convicted in Utah of Mann Act charges contend it is up to the State to say whether double marriage permitted by a religion is legal.

3. A wage-hour question. A truck company employee contends he is entitled to overtime pay. He lost in the Illinois Supreme Court which held the Interstate Com-

merce Commission held jurisdiction, thus invoking an exemption under the Wage-Hour Act.

The Supreme Court refused to review a suit to declare vacant the U. S. Senate seat of Carter Glass, ailing 87-year-old Virginia Democrat. John Locke Green, Arlington County (Va.) Republican leader, told the court Glass had not been on the Senate floor since June 20, 1942.

The court unanimously reversed the conviction of two men and one woman, members of a religious group, who had been convicted under the Lindbergh Kidnaping Act for allegedly taking a 14-year-old girl from Utah to Mexico to become the polygamous wife of one of the men. The opinion, by Justice Murphy, said the purpose of the act "was to outlaw interstate kidnappings rather than general transgressions of morality." It added that there was no proof of unlawful restraint or that the girl

See COURT, Page 2, Column 8

COURT

From Page 1
 was unable to exercise her own will.

The Supreme Court yesterday agreed to rule on validity of a New York law which bans printing and distribution of publications devoted principally to stories of acts of bloodshed, lust or crime.

The review was asked by Murray Winters, New York City book dealer, who was fined \$100 on a charge of violating the law enacted by the New York Legislature in 1934. Winters was accused of possessing, with intent to sell, a magazine called "Headquarters Detective, True Cases from the Police Blotter."

Appellate division of the Supreme Court of New York, first judicial department, upheld the fine and said the magazine contained crime stories "which portray in vivid fashion tales of vice, murder and intrigue."

File

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Memo to [redacted] with [redacted] Manual

*Proposed changes
52 MAR 2 - 1946 9/46*

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WASHINGTON POST
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AUG 18 1961

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City of Miami, Florida



Mr. Tolson	_____
Mr. Ladd	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Belmont	_____
Mr. Mohr	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

608-8 BISCAYNE BLDG.

August 19, 1950

PERSONAL

J. Edgar Hoover, Esq.
 Director, Federal Bureau of Investigation
 United States Department of Justice
 Washington, D. C.

Dear Mr. Hoover;

I have filed my application for admission to practice before the United States Supreme Court. I have been advised that the Court will sit in a special session in conjunction with the American Bar Association convention in Washington for the purpose of admitting applicants on September 20th.

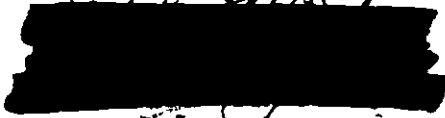
I would consider it an honor and a privilege for which I would be extremely grateful, Mr. Hoover, if you would appear with me that morning and move my admission. The ceremonies begin at 11:15 A. M.

Since my resignation from the Bureau on October 5, 1945, I have been practicing law here. During our vacation last year, Rose Marie and I visited the Bureau, and Mr. Nichols arranged a very nice tour for her. She was quite impressed, and we were sorry that we missed you.

Incidentally, John Drimmer, the head waiter at Joe's Stone Crabs Restaurant on Miami Beach, requested that I convey his regards to you.

With all best wishes and kind regards
 I remain

Sincerely,



62-27500-
 SEP 1 1950
 14
 PERS. FILES

LAW OFFICES
DE COSTAS, MAER & FLOYD

607-608 BISCAYNE BUILDING

MIAMI 32, FLORIDA

WILLIAM R. DE COSTAS
WALLACE N. MAER
ROBERT L. FLOYD
AURELIA HAUKE
OFFICE MANAGER

WALLACE N. MAER
ASSISTANT COUNTY SOLICITOR
ROBERT L. FLOYD
MAYOR-CITY OF MIAMI
CABLE ADDRESS
"DEMAFLO"

August 19, 1950

PERSONAL

Louis Loeb1, Esq.
Washington Field Office
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Dear Louie;

I have today written to Mr. Hoover a personal letter in which I have requested that he appear with me to move my admission to the Supreme Court of the United States on the morning of September 20th. The Court is sitting in special session for this in conjunction with the American Bar Association convention there at that time.

Will you kindly talk with him and tactfully see if you can encourage him to extend to me this very great honor and privilege?

Also advise me whether you anticipate a visit here for your vacation. The hotel rates are quite reasonable now, and will be even more reasonable after September first. I will be glad to send you the rates, and talk with the manager and owner of the hotel you pick, so that all courtesies will be extended to you.

Rose Marie sends her best.. With all best wishes and kind regards, I remain

Sincerely,

b6,
b7c

ALL
M

August 24, 1950

808-B Biscayne Building
Miami, Florida

INDEXED

RECORDED

Your letter of August 19, 1950 has been received and I do appreciate the thoughts which prompted you to write. I regret, however, that a prior commitment on September 20 will make it impossible for me to appear with you on that date to move your admission to practice before the United States Supreme Court.

It was very kind indeed of you to convey to me the message from John Drimmer and the next time you are in Joe's Restaurant I would appreciate it if you would extend my kindest regards to him.

In case you have not previously heard, I thought you might like to be advised that Special Agent Louis Lechl passed away on August 8, 1950. You can well imagine how much of a shock this was to all of us here in the FBI.

With best wishes and kind regards,

Sincerely yours,

(s) J. Edgar Hoover
Mailed by the Director

cc Miami (with copy of incoming)

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

NOTE: Former SA [redacted] EOD Clerk 7/10/30; Agent 9/8/41; resigned 10/5/45.

U.S. DEPT. OF JUSTICE
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62-27585-24
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94-33303-5X1

AUG 17 1961

ps — mhn

WASHINGTON, D. C.

A MEETING OF THE BAR OF THE SUPREME COURT OF THE UNITED STATES IN THE SUPREME COURT BUILDING ON TUESDAY, MARCH 6TH, 1951, AT 10 O'CLOCK IN THE MORNING, IS CALLED TO TAKE APPROPRIATE ACTION IN MEMORY OF THE LATE MR. JUSTICE MURPHY. AT NOON, THE RESOLUTIONS ADOPTED AT THIS MEETING WILL BE PRESENTED TO THE COURT AND THE ATTORNEY GENERAL WILL ADDRESS THE COURT.

PHILIP B. PERLMAN,
Solicitor General of the United States.

*2-19-51
ALW*

*Washington
m 7*

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Egan	✓
Mr. Gurnea	✓
Mr. Harbo	✓
Mr. Hendon	✓
Mr. Jones	✓
Mr. Mumford	✓
Mr. Quinn	✓
Mr. Nease	✓
Miss Gandy	✓

ALW

Br

RECORDED - 79
INDEXED - 79

102-2752-25
MAR 6 1951
14

60 MAR 12 1951

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson *Wm*
 FROM : L. B. Nichols
 SUBJECT:

G. I. [unclear] DATE: February 28, 1952

for
 ① *b6, b7C* [redacted] Guard Force of the U. S. Supreme Court, talked with Wick at 10:10 AM today by reference from the Director's Office. [redacted] said he has two men on his force who, for the past four months, have received firearms training in the .38 caliber pistol at the hands of Coast Guard instructors. The men have been unable to qualify since they received little personal attention. [redacted] wanted to know whether these men have the capabilities of qualifying in the pistol and asked whether we could "tutor" these two men very briefly.

b6, b7C Wick explained to [redacted] the shortage of our personnel and the necessity for us to maintain maximum instruction with respect to our own personnel and that under no circumstances could we engage in outside instruction. It was explained to [redacted] additionally that a precedent of this nature could not be established. [redacted] said he understood.

cc - Mr. Clegg

b6, b7C Right
 3-1

Wm
 2 Right
 4
 RECORDED-114 62-27585-26
 INDEXED-114

61 MAR 10 1952

22g

May 20, 1952

Mr. Thomas E. Waggaman
Marshal
United States Supreme Court
Washington, D. C.

Dear Mr. Waggaman:

I have noted that you will soon bring
to a close your exemplary career of more than
forty years in the service of your Government,
and I did want to drop you a personal note to
extend my very best wishes for your future happiness.

Sincerely yours,
J. Edgar Hoover

NOTE: Bufiles reflect that, while there has been little
contact with Mr. Waggaman by Bureau representatives, what
few contacts we have had have always been very pleasant
and he has indicated a friendly feeling toward the Bureau
and its personnel.

113
EXCL
E
b6, b7c
41
61 JUN 1 1952

RECORDED-113
INDEXED-113

MAILED 2
MAY 20 1952
COMM - FBI

168-2785-27
MAY 20 10 32 AM '52
DIRECTOR
JUN 1 1952
JUN 1 1952
JUN 1 1952

THE SUPREME COURT ANNOUNCED THE RETIREMENT ON JUNE 30 OF MARSHAL
THOMAS E. WAGGAMAN, 55, WHO BEGAN SERVICE AS A PAGEBOY ALMOST 41 YEARS
AGO. WAGGAMAN WILL BE SUCCEEDED BY T. PERRY LIPPITT, WHO HAS BEEN COURT
Crier SINCE 1938 EXCEPT FOR MORE THAN TWO YEARS IN THE NAVY. BOTH
ARE NATIVE WASHINGTONIANS. 5/16--JR1212P

nm
out 5-20-52
b6 b7c

62-27585-1
ENCLOSURE

GLR-2

62-1

Office of the Marshal,
Supreme Court of the United States
Washington, D.C.

May 31, 1952

Dear Mr. Hoover

Thank you very much for your
best wishes on my retirement.

May I also express my thanks
for the courtesies extended to me through
the years by you and your staff.

Sincerely

Honorable J. Edgar Hoover

Director, Federal Bureau of Investigation
United States Department of Justice

Pho W. Aggamon

A

RECORDED - 24
INDEXED - 24

62-27585-27X
62-53439-152
JUN 18 1952

CRJ
pmp

41
JUN 25 1952

DO-6.1 5.

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Office of the Marshal
Supreme Court of the United States
Washington, D. C.

May 31, 1952

Dear Mr. Hoover

Thank you very much
for your best wishes on my retire-
ment.

May I also express my thanks for the
courtesies extended to me through the years by you
and your staff.

Sincerely,

Thos. E. Waggaman

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
United States Department of Justice

COPY-eff

EXPEDITE PROCESSING

Mr. Tolson ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Belmont ☒
Mr. Clegg ☒
Mr. Glavin ☒
Mr. Harbo ☒
Mr. Rosen ☒
Mr. Tracy ☒
Mr. Laughlin ☒
Mr. Jones ☒
Mr. Mohr ☒
Tele. Room ☒
Mr. Holloman ☒
Miss Holmes ☒
Miss Gandy ☒

COPY,
mk

TO: Mr. Tolson

DATE: June 19, 1953

FROM: L. B. Nichols

SUBJECT: THREAT TO BLOW UP SUPREME
COURT AND TIMES HERALD

At 1:05 p.m. today Wick in my office received a call
from [REDACTED]

[REDACTED] these
gentlemen told Wick as follows:

Wick told [REDACTED] he should immediately notify the local
police. [REDACTED] said he would talk to [REDACTED]

ACTION TAKEN:

The Director's office and you were orally advised, as
was Mr. Belmont. I had Wick call SAC Hood of Washington Field
Office, informing him of the substance of the call and instructing
him to notify the Clerk of the Supreme Court so the Court might
be alerted.

cc: Mr. Ladd
Mr. Rosen
Mr. Belmont

62-27585-V
NOT RECORDED

142 JUL 2 1953

INITIALS ON ORIGINAL - 14

62 JUL 8 1953

82470

June 20, 1953

Supreme Court of the United States
Washington, D. C.

Mr. E. B. Hood, Special Agent in Charge
of our Washington Field Office, has advised me of
the special consideration and courtesies which you
extended to our representatives who were at the
Supreme Court Building at the time of the rulings
in the Rosenberg case.

You may be certain that all of us in the
FBI sincerely appreciate the wholehearted cooperation
which you and your men gave me. If we can ever render
any service to you, please do not hesitate to let me
know.

Sincerely yours,

RECORDED-29

INDEXED-29

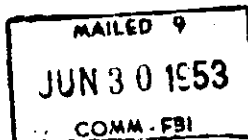
J. Edgar Hoover

62-27545-28
JUL 6 1953

cc - Washington Field Office (65-5521), reupset 6/23/53.

NOTE: Bufiles contain no identifiable derogatory data re

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy



JUL 16 1953

RECEIVED
JUL 4 4 04 PM '53
FBI

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON
 FROM : W. R. Glavin
 SUBJECT:

DATE: June 30, 1953

There is attached hereto H. R. 5824, a bill introduced by Mr. Chelf on June 18, 1953.

This bill states that title 28, section 1651 (b) which states that an alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction, is repealed.

This bill further states that it shall be unlawful for any individual member of the United States Supreme Court to sit alone at any time in any legal proceeding or proceedings of any kind whatsoever that may either be pending before said Court or that may be in the process of litigation, at any stage for discussion, consideration, review, determination, judgment, decision, or action before the said Supreme Court of the United States of America.

No action of any kind in any legal proceeding or proceedings whatsoever can be taken by said Court or any Member thereof unless and until the Chief Justice of said Court shall designate at least 5 Members of the Court and himself, or 6 Members of the Court excluding himself, who shall be present in person and actively participate in any given litigation either properly before the said Court or that may be in the process of legally and rightfully coming before the said Court.

Attachment

RECORDED-20

INDEXED - 20

60 JUL 21 1953

INT

83d CONGRESS
1st Session

H. R. 5824

A BILL

To repeal title 28, section 1651 (b), of the
United States Code, and for other purposes.

By Mr. CHELP

JUNE 18, 1953

Referred to the Committee on the Judiciary

62-275-85-27



83^d CONGRESS
1ST SESSION

H. R. 5824

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1953

Mr. CHELF introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To repeal title 28, section 1651 (b), of the United States Code,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title 28, section 1651 (b), of the United States Code
4 be, and the same is hereby, repealed. It shall be unlawful
5 for any individual member of the United States Supreme
6 Court to sit alone at any time in any legal proceeding or
7 proceedings of any kind whatsoever that may either be
8 pending before said Court or that may be in the process
9 of litigation, at any stage for discussion, consideration, re-
10 view, determination, judgment, decision, or action before
11 the said Supreme Court of the United States of America.

1 SEC. 2. No action of any kind in any legal proceeding
2 or proceedings whatsoever can be taken, entertained, heard,
3 discussed, considered, adjudicated, decided, or any opinion
4 or opinions rendered, or any stays granted, by said Court or
5 any Member thereof unless and until the Chief Justice of said
6 Court shall designate at least five Members of the Court and
7 himself, or six Members of said Court excluding himself,
8 who shall be present in person and actively participate in
9 any given litigation either properly before the said Court
10 or that may be in the process of legally and rightfully com-
11 ing before the said Court.

12 SEC. 3. Any existing rule or rules governing the pro-
13 cedure or procedures of the said Supreme Court of the United
14 States of America that may be in conflict with this Act shall
15 forthwith be modified, corrected, changed, or amended so
16 as to conform therewith.

17 Nothing in this legislation, however, is intended to
18 change, alter, or modify any other rule or rules governing
19 the operation or conduct of the said Supreme Court except
20 that which has been specifically referred to herein.

21 Any and all other existing legislation, or any parts
22 thereof, that may be in conflict with this Act or any section
23 thereof, is hereby repealed.

Director, FBI (65-58236)

June 23, 1953

SAC, WFO (65-5521)

JULIUS ROSENBERG; ET AL
ESPIONAGE - R

26-18462
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 pwt/vlc

At the conclusion of the rulings of the Supreme Court of the United States in this case, Mr. HAROLD B. WILLEY, Clerk of this Court, expressed great admiration for the Bureau and a desire to take a tour of the Bureau. D.C.

During the numerous actions before the Supreme Court, Mr. WILLEY, by his making available use of his office and staff, made it possible for Agents of the Washington Field Office to keep abreast of these actions. He and his staff often made suggestions as to the best place for the Special Agents to be in order to know at once what action individual Judges, or the Court as a whole, was taking. They also advised as soon as legally possible any action contemplated by the defense attorneys.

During these actions before this Court, T. PERRY LIPPITT, United States Marshal, made arrangements for Special Agents to be so placed in the courtroom in order that they could be available to phones in his office and have freedom of entering and leaving the courtroom at any time. This arrangement made it possible for Agents to observe what was happening in the courtroom, as well as furnishing the information immediately to the Bureau. D.C.

Captain PHILIP H. CROOK, Chief of Police Force, Supreme Court of the United States, made available the facilities of his office, which is located near the press room in the Supreme Court Building, and also furnished immediately all information heard by his men stationed throughout the Supreme Court Building. He kept Special Agents advised of the arrival and departure of persons having important roles in this case.

It is recommended that each of these persons be sent a letter of appreciation by the Director for their whole-hearted cooperation in this case. Arrangements have been made for Mr. WILLEY to make a tour of the FBI in the near future.

COPIES DESTROYED
HF:MCP 84 DEC 2 1964

INDEXED - 18

62-274585-30
NOT RECORDED
105 JUL 15 1953

66 JUL 23 1953

INITIALS ON ORIGINAL - 2

THE DIRECTOR

June 25, 1953

MR. D. N. LADD

JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(Bufile 65-58283)

There is attached WFO letter dated 6-23-53, recommending that letters of appreciation be sent to Mr. Harold A. Willey, Clerk of the U. S. Supreme Court, R. Perry Lippitt, U. S. Marshal, and Captain Philip H. Creek, Chief of Police Force, U. S. Supreme Court, for their cooperation with WFO agents in connection with this case. D.C.

There is also attached WFO letter dated 6-23-53, recommending that a letter of appreciation be sent to J. Edward Lombard, Jr., USA, SDNY, and a letter of commendation be sent to AUSA James B. Kilsheimer III for their part in this case.

The above individuals rendered the following service in this case:

Willey made his office and staff available to our agents so that they could keep abreast of actions at the Supreme Court, the individual judges, and defense attorneys.

Lippitt made arrangements for agents to be so placed in the courtroom so that they could be available to phones in his office and have freedom of movement in and out of the courtroom at any time.

Captain Creek made available the facilities of his office which is located near the press room in the Supreme Court Building and also immediately furnished all information heard by his men stationed throughout the building.

Lombard handled the oral arguments of the last motions made in this matter.

Kilsheimer was constantly assigned to this case from the inception of prosecutive action in 1951 and was largely responsible for the successful opposition on the part of the Government to the various moves made by the defense to set aside these convictions.

INDEXED - 18 62-27585
NOT RECORDED
105 JUL 15 1953

APL:awn
Attachments

76-1840 CV
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY SP2 JST-MC
Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gearty _____
Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
 Sizoo _____
Miss Gandy _____

Bufiles contain no derogatory information identifiable with these individuals. Lumbard was investigated by the Bureau in January, 1953, in connection with his appointment for U. S. Attorney, and he was highly recommended by all references interviewed. He has had a long career of public service, having been an Assistant United States Attorney from 1935 to 1937, and from 1931 to 1933. He was also a New York State Supreme Court Justice from June to December, 1947. Prior to his recent appointment as U. S. Attorney, he was a partner in the law firm of General William Donovan, former OSS Chief. Lumbard had sponsored Duncan Chapin Lee, a former law clerk in the Donovan law firm, for admission to the New York Bar in 1941. Elizabeth Bentley has identified Lee as the individual who furnished her confidential information concerning OSS operations which Bentley turned over to the Soviets. (77-6784)

Kilsheimer was investigated as a departmental applicant by the Bureau in July, 1950, in connection with his appointment as Assistant United States Attorney, and no derogatory information was developed. (77-46102)

RECOMMENDATION

It is recommended that the suggestions of WFO and NYO be approved and that the Crime Records Section be authorized to prepare appropriate letters to the above-mentioned individuals.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson ✓

DATE: July 16, 1953 ✓

FROM : L. B. Nichols

SUBJECT:

Tolson ✓
Ladd ✓
Nichols ✓
Belmont ✓
Clegg ✓
Glavin ✓
Harbo ✓
Rosen ✓
Tracy ✓
Gandy ✓
Mohr ✓
Winterrowd ✓
Tele. Rm. ✓
Holloman ✓
Sims ✓
Miss Gandy ✓

D.C.
On July 16, 1953, SAC Hood, Washington Field Office, telephonically advised Crosby that Mr. Harold Willie who is the Clerk of the Supreme Court of the United States, who was very helpful to the field office during the appeal on the Rosenberg matter, is coming in for a tour of the Bureau at 2:00 P.M. on July 17, 1953.

A Special Agent will handle this tour and it will be very special. Mr. Willie is acquainted with a number of Bureau officials and Mr. Hood advised he would inquire among them who would like to see Mr. Willie during the course of his tour.

Wsu
h ✓
cc - Mr. Ladd
Mr. Tracy
Mr. Clegg
Mr. Jones

cc - Tour Room

FEC:jah

Come in & took special tour - handled
b6, b7c SA [redacted]

RECORDED - 120

INDEXED - 120

62-27585-32

JUL 17 1953

7/16/53
TSB
CRIM

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson *✓*DATE: January 21, 1954 *el*

FROM : L. B. Nichols

SUBJECT: *b6, b7C*

b6, b7C

[REDACTED] Marshal of the Supreme Court, called on me today. He stated that there are approximately two hundred people, exclusive of law clerks, secretaries and the personal staff of the Justices, employed by the Court. These individuals are char people, maintenance people and guards and are under the Marshal of the Court. The Chief Justice instructed him to confer with the Bureau to work out arrangements whereby as they hired additional new employees, they can refer their names to the Bureau and we can make a name check on the names. It was not intended that we make an investigation unless some special reason arose, which he could not conceive of.

I inquired as to how many people this would include a year, and he stated it would not include more than twenty people a year.

I told him that in view of the Chief Justice's desire, we would be very glad to make the name checks on an informal confidential basis. He stated that this was the way the Chief Justice wanted it done.

He further advised that they now have an arrangement whereby they send the fingerprints of any new employees to the Identification Division. They have a short form of an application furnishing biographical data, and in the future, he will have these forms prepared in duplicate and send one copy to us and we can either communicate with him on the telephone or send him a letter setting forth the results of the check.

cc: Mr. Ladd
Mr. Belmont
Mr. Rosen

LBN:arm

RECORDED - 4

EX-112

FEB 3 1954

771
FEB 15 1954

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

G.I.R.-10

✓ *sm* *sm*

6 P

0

3



MARSHAL OF THE SUPREME COURT
OF THE UNITED STATES

b6, b7c

62-11585-12

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen *ARM*

DATE: February 9, 1954

FROM : Mr. [REDACTED] *b6, b7C*SUBJECT: NAME CHECK REQUESTS FROM
U. S. SUPREME COURT

b6, b7C

On January 21, 1954, [REDACTED] Marshal, Supreme Court called upon Mr. Nichols to arrange for the handling of name checks concerning applicants for positions with the Supreme Court. [REDACTED] pointed out that the Court employs approximately 200 people exclusive of law clerks, secretaries, and personal staff of the Justices. He stated that the name check requests would not exceed twenty a year. Lippitt advised that he had been instructed to confer with the Bureau regarding this matter by Chief Justice Warren.

Mr. Nichols told [REDACTED] that we would handle the name checks in view of the Chief Justice's desire on an informal confidential basis and that we would furnish the results of the checks by telephone or letter.

By letter dated February 2, 1954, [REDACTED] submitted two name check requests. Both names were searched for criminal and subversive references which were reviewed and no record was located. Two name check forms and a blind memorandum reflecting the results of our check are attached.

RECOMMENDATION:

1. That the attached name check forms and blind memorandum reflecting the results of our check be returned to [REDACTED] via liaison.

2/10/54 Handled by [REDACTED] personally

b6, b7C

(2) 2. That he be advised to submit future name checks to the attention of the Name Check Section, and that the proper mailing address be obtained for the return of the results of our check.

2-10-54 (1) Done

(2) [REDACTED]

*Marshal Court of the United States
Supreme Court
Washington 25 D.C. (Personal and Confidential)*

3. If you approve, future name check requests from the Supreme Court will be handled in the Name Check Section and the results will be furnished to [REDACTED] by blind memorandum.

52 FEB 19 1954

Attachment - Detached by [REDACTED]

1 - Mr. L. B. Nichols, Room 5640

b7C, b6

RECORDED-104

INDEXED-104

100-27585-

FEB

61304

b6, b2

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Rm.
Holloman
 Sizoo
Miss Gandy

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 3, 1954

FROM : Mr. Nichols

SUBJECT: ~~SECURITY AT THE SUPREME COURT~~
REQUEST OF ~~██████████~~ MARSHAL

Tolson ✓
Ladd ✓
Nichols ✓
Belmont ✓
Clegg ✓
Glavin ✓
Harbo ✓
Rosen ✓
Tracy ✓
Mohr ✓
Winterrowd ✓
Tele. Room ✓
Holloman ✓
Miss Gandy ✓

While I was tied up at another matter at 10:45 A.M. today, Wick in my office talked on the telephone with ~~██████████~~ Marshal at the Supreme Court. (Code 199, Branch 284)

~~██████████~~ said he is frankly worried, doesn't know where to turn and must at once plan security measures at the Supreme Court. The shooting on the Hill has him frankly worried. He asked whether it would be possible for the Bureau to send someone over to discuss the matter with him and perhaps advise him concerning what action he should take.

~~██████████~~ said the Court will not be in until Monday, March 8, 1954, and he believes any action taken should be effected before that date.

Wick told him his request for an Agent to confer with him would be brought to Mr. Hoover's attention and we would call him.

RECOMMENDATION:

While we cannot, of course, furnish permanent guard duty for the Court, it might be advisable, in view of our relationship with the Chief Justice, to have someone drop by to see ~~██████████~~ tomorrow with a view to explaining our position and at the same time informally discussing the matter with him. I believe we should not make a survey nor should we become involved in the matter. After we learn of ~~██████████~~ problem, however, we might be in a position to make a few suggestions to him pertaining to the Court's security.

I suggest Mr. Harbo see him

RECORDED 13
INDEXED - 13
EX - 104

62-27585-3
MAR 5 1954

CC: Mr. Boardman
Mr. Belmont
Mr. Rosen
Mr. Nichols
Mr. Jones

I think he should be referred to local police

52 MAR 8 1954

DONE BY WICK

AT 10:30 AM 3-4-54

HE WILL CONTACT

~~██████████~~ OF MET.P.D. LAN 3-4-54.

Mr. Tolson ✓
 Mr. Boardman ✓
 Mr. Nichols ✓
 Mr. Belmont ✓
 Mr. Harbo ✓
 Mr. Mohr ✓
 Mr. Parsons ✓
 Mr. Rosen ✓
 Mr. Tamm ✓
 Mr. Sizoo ✓
 Mr. Winterrowd ✓
 Tele. Room ✓
 Mr. Holloman ✓
 Miss Gandy ✓

WASHINGTON, D. C.

A MEETING OF THE BAR OF THE SUPREME COURT OF THE UNITED STATES IN THE SUPREME COURT BUILDING ON MONDAY, OCTOBER 25TH, 1954, AT 10 O'CLOCK IN THE MORNING, IS CALLED TO TAKE APPROPRIATE ACTION IN MEMORY OF THE LATE MR. CHIEF JUSTICE VINSON. AT NOON, THE RESOLUTIONS ADOPTED AT THIS MEETING WILL BE PRESENTED TO THE COURT AND THE ATTORNEY GENERAL WILL ADDRESS THE COURT.

SIMON E. SOBELOFF,
 Solicitor General of the United States.

RECORDED-31

62-27545-36

EX. - 109

220.006(4)
 22

2178

to be made in the record 10-25-54-FID

RECORDED COPY FILED IN

52659

12:10

February 2, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. ROSEN
MR. NICHOLS

Deputy Attorney General Rogers called me today and stated he had been talking to the Chief Justice who had asked him to talk to me about the following incident: Mr. Rogers stated that apparently last week he thought about Thursday, some professor and four students from Hamilton University called on Judge Minton. Some people followed the professor into the Marshal's Office and identified themselves as FBI Agents and told the Marshal that this was an official investigation and asked some questions about these visitors and where they had gone. (It seems it is the custom for all visitors to go to the Marshal's Office before proceeding to other offices in the building.) Mr. Rogers stated that word had gotten back to Justice Minton and although he did not ask about it, Justice Minton mentioned it to the Chief Justice and the Chief Justice asked if it would be all right if he spoke to somebody in the Department of Justice about it. I commented that the story did not sound entirely plausible to me but I would check into the matter immediately. I stated that as a rule we generally avoid the Capitol and Supreme Court unless we have some specific information from the Bench or a Congressman. Mr. Rogers said it sounded a little strange to him as if the occasion arose he felt each individual would be notified. I stated this was correct and we would advise the Department of such action by memorandum.

#37 Snif
12-10-64
#11

- Tolson _____
- Boardman _____
- Nichols _____
- Belmont _____
- Harbo _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Sizoo _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

JEM:mpd (6)

RECORDED-45
INDEXED-35

Very truly yours, 62-27585-3

J. E. H.

21 FEB 14 1955

John Edgar Hoover
Director

FEB 3 3 30 PM '55

FEB 3 11 30 AM '55

REC'D - DEPT. OF JUSTICE
FEB 3 1955
REC'D - DEPT. OF JUSTICE

SENT FROM D. O.	
TIME	Pa
DATE	FEB 3 1955
BY	He

58 FEB 15 1955 Best Copy Available

4:30 PM

February 15, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

~~SECRET~~

Deputy Attorney General Rogers called to advise that he was going to talk to the Chief Justice about the matter of some FBI Agents interviewing the Marshal in the Supreme Court Building and he wanted to know if we would have any objection to his showing the report to the Chief Justice. I told him this would be all right; [REDACTED]

(b) [REDACTED] the next day they checked out of their hotel and went to the Supreme Court Building. I told Mr. Rogers that ordinarily our Agents did not conduct surveillances around the Capitol and the question of the Supreme Court Building had never before come up but he could rest assured that from now on no surveillances would be conducted in the Supreme Court Building.

Very truly yours,

8/20/87
Classified by SP-5 ci/NLF
Declassify on: OADR
SP1 mac/the 7/7/88
207540-8

John Edgar Hoover
Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

162-27585-
NOT RECORDED
176 FEB 18 1955

JEH:EH (7)

~~SECRET~~

FEB 23 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO :

Mr. Tolson ✓

DATE: 8/16/55

FROM :

R. T. Harbo RH

SUBJECT:

ADMISSIBILITY OF CONFESSIONS (STATE CASES)
 SUPREME COURT DECISIONS

Tolson _____
 Boardman _____
 Nichols ✓
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SYNOPSIS: A review of criminal cases in which the U. S. Supreme Court delivered opinions during the period from the October, 1941, term through all cases reported up to June 6, 1955, shows that in this period the Court decided 14 cases in which the admissibility of confessions obtained by state, city and county law enforcement officers was a principal issue involved. In one of the cases the issue was decided by unanimous decision of the Court. In 8 cases the issue was decided by a majority of 6 and in 5 cases the issue was decided by a majority of 5.

RECOMMENDATION: None - informational only.

DETAILS: A review has been made of the criminal cases in which the U. S. Supreme Court delivered opinions (#1) during the period from the October, 1941, term through all cases reported up to June 6, 1955, (#2) shows that in this period the Court decided 14 cases in which the admissibility of confessions obtained by state, city and county law enforcement officers (#3) was a principal issue involved (#4). In one of the cases the issue was decided by unanimous decision of the Court. In 8 cases the issue was decided (#5) by a majority of 6 and in 5 cases the issue was decided by a majority of 5. No cases originating with Federal authorities were included in this study.

The case of Ward v. Texas was decided by unanimous decision of the Court.

cc: Mr. Nichols

RECORDED-99

INDEXED-99

6 OCT 21 1955

EX-107

(4)

8/16/55

The following 8 cases were decided by a majority of 6 members of the Court:

Stein v. New York
Stroble v. California
Gallegos v. Nebraska
Watts v. Indiana
Lyons v. Oklahoma
Ashcraft v. Tennessee
Lisenba v. California
Hysler v. Florida

The following 5 cases were decided by a majority of 5 members of the Court:

Leyra v. Denno
Turner v. Pennsylvania
Harris v. South Carolina
Haley v. Ohio
Malinski v. New York

It should be noted that a majority of 5 does not necessarily mean there was a minority of 4 nor does a majority of 6 mean a minority of 3. In some cases one of the Justices took no part in hearing or deciding the case. In each of the cases in which there was a split decision, however, there was at least one dissent. For additional information see notes in individual cases listed below: ~~(i.e., MAJORITY OF LESS THAN NINE)~~

1. Leyra v. Denno, 347 U. S. 556, 98 L. ed. 948, decided June 1, 1954, by a majority of 5 to 3 (Jackson did not participate). This was a New York Police Case.

2. Stein v. New York, 346 U. S. 156, 97 L. ed. 1522, decided June 15, 1953, by a 6 to 3 majority. This was a New York State Police Case.

3. Stroble v. California, 343 U. S. 181, 96 L. ed. 872, decided April 7, 1952, by 6 to 3 decision. Note, however, that the decision on the voluntariness of the confession was by 6 to 2 majority. Justice Frankfurter did not pass on this point but was one of a minority of 3 holding that the case should be remanded to the Court below. This was a Los Angeles Police Case.

4. Gallegos v. Nebraska, 342 U. S. 55, 96 L. ed. 86, decided November 26, 1951, by a 6 to 2 majority (Minton did not participate). This case was handled by the sheriff.

8/16/55

5. *Turner v. Pennsylvania*, 338 U. S. 62, 93 L. ed. 1810, decided June 27, 1949, by a 5 to 4 majority. This was a Philadelphia Police Case.

6. *Watts v. Indiana*, 338 U. S. 49, 93 L. ed. 1801, decided June 27, 1949, by a 6 to 3 majority. This was an Indiana State Police Case.

7. *Harris v. South Carolina*, 338 U. S. 68, 93 L. ed. 1815, decided June 27, 1949, by a 5 to 4 majority. This case was handled by the sheriff.

8. *Haley v. Ohio*, 332 U. S. 596, 92 L. ed. 224, decided January 12, 1948, by a 5 to 4 majority. This was a police case.

9. *Malinski v. New York*, 324 U. S. 401, 89 L. ed. 1029, decided March 26, 1945, by a 5 to 4 majority. This was a police case.

10. *Lyons v. Oklahoma*, 322 U. S. 596, 88 L. ed. 1481, decided October 9, 1944, by a 6 to 3 decision. This was a police case.

11. *Ashcraft v. Tennessee*, 322 U. S. 143, 88 L. ed. 1192, decided May 1, 1944, by a 6 to 3 majority. This was a police case.

12. *Lisenba v. California*, 314 U. S. 219, 86 L. ed. 166, decided December 8, 1941, by a 6 to 2 majority. This case was handled by the sheriff.

13. *Ward v. Texas*, 316 U. S. 547, 86 L. ed. 1663, decided June 1, 1942, by unanimous decision. This case was handled by the sheriff.

14. *Hysler v. Florida*, 315 U. S. 411, 86 L. ed. 932, decided March 2, 1942, by a 6 to 3 majority. This case was handled by the sheriff.

Following are the footnotes for the details:

(*1) Excludes any "memorandum" cases in which the Court delivered no opinion.

(*2) Excludes any cases which have not been reported in the "advance sheets" up to June 6, 1955, the latest date available.

R. T. Harbo memo for Mr. Tolson

8/16/55

(*3) Excludes cases involving confessions obtained by Federal authorities and one case where confession was obtained by private detective agency.

(*4) Excludes cases in which the voluntariness and admissibility of the confession was not in issue.

(*5) Points out the fact that in at least one case the split on the issue of the confession was slightly different from that on the handling of the case in its entirety.

82471

THE ATTORNEY GENERAL

January 26, 1956

DIRECTOR, FBI

In connection with the dedication of the Supreme Court Building in San Juan, I thought you would like to know that Chief Justice Cack Snyder of the Commonwealth Supreme Court has furnished the following information to our San Juan office:

On the evening of February 3, 1956, there will be a cocktail party and dinner at the Caribe Hilton Hotel for the visiting dignitaries.

On February 4, the dedication ceremony will take place at the Supreme Court Building from 9:30 a.m. to 11:00 a.m. At 2:00 p.m., February 4, there will be a judicial ceremony in the Supreme Court Building. At 5:00 p.m. on that date, the new Bar Association Building for the Commonwealth will be dedicated.

On Sunday, February 5, there will probably be a ceremony at 10:00 a.m. at which an honorary degree will be awarded to Chief Justice Warren by the University of Puerto Rico. Chief Justice Snyder, however, has advised there is some possibility that this ceremony will not occur until Monday, February 6. At 8:30 p.m., Sunday, February 5, there will be a formal reception at the Fortaleza (the Governor's Palace).

The actual planning for the dedication ceremonies is the responsibility of the Puerto Rican Under Secretary of State, Morales Carrión.

In the event additional information pertaining to the scheduled ceremonies is received, I will, of course, pass it on to you.

CC - Mr. Belmont
Mr. Holloman

- Tolson _____
- Boardman _____
- Nichols _____
- Belmont _____
- Harbo _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Sizoo _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

MAILED 2
JAN 26 1956
COMM - FBI

59 JAN 31 1956

INDEXED-85
RECORDED-85
JAN 26 3 00 PM '56
RECEIVED REAGAN ROOM
FBI
17 JAN 27 1956
EX-127
2-27585-40

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson ✓

DATE: 3-14-56

FROM : L. B. Nichols ✓

SUBJECT:

REQUEST FOR DIRECTOR'S TESTIMONY
REGARDING OUTLAWING COMMUNIST PARTY[REDACTED] D.C. b7c
[REDACTED] b6i
UNITED STATES SUPREME COURTTolson _____
Boardman _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
 Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

By reference from the Director's Office at 10:12 a.m. today, Wick in my office talked on the telephone with [REDACTED] Library of the Supreme Court (Code 199, Extension 311). [REDACTED] stated she would like to have a copy of the testimony the Director had given before some congressional committee wherein he recommended outlawing the Communist Party. Wick told [REDACTED] the Director had never so testified but certain segments of the press had to an extent so interpreted a statement the Director made while testifying before the House Committee on Un-American Activities 3-26-47. The Director in this statement made the point that with respect to legislation outlawing the Communist Party, if any, the matter should be given very, very careful consideration and that the desirability or undesirability of this type legislation was a matter for the Attorney General to decide.

[REDACTED] stated she would like a copy of this testimony and Wick told her we would make it available to her. [REDACTED] also asked whether we could send her any other statements or testimony made by Mr. Hoover before congressional committees relating to Communism wherein he comments on the menace of Communism to our way of life. Wick told her that the Director had for some years, of course, appeared before Appropriation Committees of the House and Senate and on these occasions has testified respecting the internal security of this country, the FBI's responsibilities in this field and the menace of Communism. [REDACTED] asked whether the Director had in this testimony commented on whether the Communist Party should be outlawed and Wick told her that he had not, that this was a function for the Attorney General as the Director had stated in 1947. [REDACTED] asked whether she could have copies of the testimony wherein the Director had commented on Communism and Wick told her we would be pleased to supply her with this material.

Enclosures

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Holloman

RECORDED - 24

62-27585-41

INDEXED - 24

EX - 107

(5)

MAR 21 1956

3-14-56

OBSERVATION:

Wick did not, of course, inquire of [redacted] the reason she desired this information, nor did he determine from her nor inquire from her the identity of the person requesting her to obtain the Director's testimony. It is quite possible, however, that since the Supreme Court will rule on the Internal Security Act of 1950 which requires the Communist Party to register, the request to [redacted] have originated with one of the Justices or clerks of a Justice. The Communist Party has made an issue in their brief that if the Act is upheld, the Party will in effect be out of business, will be an illegal organization, must go underground and, in effect, disband as the Communist Party. The question, therefore, of whether the Director has or has not made a statement concerning the desirability of outlawing the Communist Party is germane to the issue. It would seem further that testimony relating to the menace of Communism would likewise be pertinent.

RECOMMENDATION:

That the attached material be forwarded to [redacted] by Special Messenger today. It consists of the Director's statement, together with the question and answer portion of his appearance before the Committee on Un-American Activities of the House 3-26-47, (see Page 17) together with marked testimony of the Director before Appropriation Subcommittees of the House and Senate plus reprints of articles and speeches by the Director relating to the menace of Communism.

NOTE: In answer to the Director's question, it is to be noted that [redacted] is not directly associated with any particular Justice, so far as is known, and she is [redacted] at the Supreme Court Library.

b6, b7C

OK BX

✓
Removed from
this memorandum
and dispatched
by Special Messenger
to Supreme Court
4:00 p.m. 3/14/56
LAV
W

DO-5

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson _____
Mr. Nichols _____
Mr. Boardman _____
Mr. Belmont _____
Mr. Mason _____
Mr. Mohr _____
Mr. Parsons _____
Mr. Rosen _____
Mr. Tamm _____
Mr. Jones _____
Mr. Nease _____
Mr. Winterrowd _____
Tele. Room _____
Mr. Holloman _____
Miss Holmes _____
Miss Gandy _____

Date March 14, 1956 Time 10:30AM

[REDACTED], Supreme Court,

tele _____

Phone No. Code 199, Ext. 311

REMARKS

[REDACTED] wanted to speak with someone concerning a statement the Director made concerning the outlawing of the Communist Party. She consented to speak with Mr. Wick in Mr. Nichols' office.

[REDACTED] stated that someone, not identified, asked her to get the Director's testimony against outlawing the Communist Party.

Mr. Wick advised [REDACTED] that the Director had never testified against outlawing the Communist Party, but had testified before the UnAmerican Activities Committee on March 26, 1947, to the effect that any legislation effecting the outlawing of the Communist Party should be given very careful consideration. She asked if she could get a copy of this testimony.

Mr. Wick advised her that a copy would be sent to her. He also referred her to the printed testimony.

moe

with what Justice is she? Memo Nichols to Tolson 3-14-56

RECORDED - 24

INDEXED - 24

62-27555-42
MAR 16 1956

EX - 107

INT. SEC.

57 MAR 23 1956

100-272,598-1

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2/29/56

FROM : J. P. Mohr

Supreme Court

SUBJECT: The Congressional Record

Pages 1858-1863 - Congressman Lanham, (D) Georgia, extended his remarks to include a dissertation by Mr. R. Carter Pittman, of Dalton, Georgia, entitled "The Supreme Court, The Broken Constitution, and The Shattered Bill Of Rights." Mr. Lanham expressed alarm at the "tendency of the United States Supreme Court to usurp the legislative functions of the Congress." He went on to say that he hoped a reading of this statement will awaken the people of the U. S. to the danger that this trend poses to our institutions and way of life. A reference to the Attorney General, contained in Mr. Pittman's statement, has been noted for your attention.

Original filed in:

INDEXED-16

162-27585-43

NOT RECORDED

76 MAR 21 1956

In the original of a memorandum captioned and dated as above, the Congressional Record for *pages 2/28/56* was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and

placed in appropriate Bureau case or subject matter files.

4/6/61

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 4-17-56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 5710-5713 Congressman Mason, (R) Illinois, spoke on the subject of the Supreme Court versus States' rights. He made reference to the Pennsylvania sedition case concerning Steve Nelson, and also the school segregation case. Congressman Mason

pointed out "Where is the usurpation of States rights by the United States Supreme Court going to end? It is only a question of time before the States will be deprived of all power and sovereignty in the enactment of laws for the protection of health, of welfare, of education, of labor, and so forth." Several Senators praised Mr. Mason for his remarks on this subject.

62-155-1
NOT RECORDED

138 MAR 20 1956

In the original of a memorandum captioned and dated as above, the Congressional Record for [redacted] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

Original filed in: 62-155-1

April 24, 1956

Mr. Harold B. Willey
Clerk of the United States
Supreme Court
Washington, D. C.

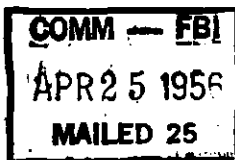
Dear Mr. Willey:

In light of your forthcoming retirement, I wanted to drop you this personal note to express my deepest appreciation for your many services to the FBI during your distinguished career as Clerk of the United States Supreme Court.

Your talents will certainly be missed; however, you richly deserve a good rest, and I do hope the years ahead will bring you every possible happiness. All of your friends here in the FBI join with me in these sentiments, and if at any time we can be of service to you, please do not hesitate to let me know.

Sincerely yours,

J. Edgar Hoover



NOTE: Willey became Clerk of the United States Supreme Court in October, 1952. He was particularly helpful to the Bureau during the trial of the Rosenberg case, and he toured the Bureau on July 17, 1953.

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
 Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

HPL:rwf
(3) RECORDED - 52
INDEXED - 52
APR 26 1956

ENCLOSURE

EX-121

38 MAY 2 1956

RECEIVED READING ROOM
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my
HBI
JUN 1 1956



JOHN T. FEY
Takes Over



HAROLD B. WILLEY
Retiring in July

Clerk of Supreme Court To End 32-Year Career

Harold B. Willey, 55-year-old United States Supreme Court clerk, today announced he will retire in July after 32 years service with the court.

Chief Justice Warren said Mr. Willey will be succeeded by John T. Fey, 39, dean of the George Washington University Law School.

Mr. Fey, dean of the law school since 1953, is a former Allegheny County (Md.) attorney and former member of the Maryland House of Delegates.

He served in the Marine Corps during World War II and is a Marine reserve major. He holds a doctorate from Yale University and is a graduate of the Harvard Business School and the University of Maryland.

Mr. Fey was one of the youngest law school deans in the history of the university when he was appointed. The Feys live at 2931 Cathedral avenue N.W. and have a 7-year-old son, John.

"We will miss Mr. Willey greatly," said the chief justice. "The court is indebted to him for his long and distinguished service marked by thoroughness and dignity in keeping with . . . his office. We wish him every success and happiness in his retirement."

Mr. Willey said he isn't worried about finding ways to spend his time after he retires.

"Thoughts of spending the winter months in Florida golfing and fishing are very appealing," he said.

Mr. Willey, a native of Portland, Oreg., came to Washington in 1920. He went into the service of the court as an assistant clerk in 1924 and later earned a law degree from George Washington University. He was appointed a deputy clerk in 1941.

Mr. Willey and his wife, Virginia, live at 3214 N. Wakefield street, Arlington. They have two married daughters.

(WILLEY)

HAROLD B. WILLEY, CLERK OF THE U.S. SUPREME COURT, DISCLOSED TODAY HE WILL RETIRE IN JULY AFTER 32 YEARS OF SERVICE WITH THE HIGH COURT.

CHIEF JUSTICE EARL WARREN, EXPRESSING REGRET AT WILLEY'S RETIREMENT, ANNOUNCED THE APPOINTMENT OF JOHN T. FEY, DEAN OF THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, AS THE NEW COURT CLERK.

4/22--PA707P

note
to Willey 4-26-56 (note)
to Fey 4-26-56 (note)
HPC

1525-44

4/1/56



Fey Willey

Supreme Court change

Willey Plans Retirement as Court Clerk

Harold B. Willey, United States Supreme Court Clerk, announced he will retire in July.

Willey, 45, was appointed clerk, the highest non-judicial post in the Supreme Court, by the late Chief Justice Fred Vinson in 1952.

He began his career with the Supreme Court in 1924 as an assistant clerk. He became a deputy clerk in 1941.

Chief Justice Earl Warren has appointed John T. Fey, Dean of the George Washington University Law School, to succeed Willey.

A native of Portland, Ore., Willey came to Washington in 1920 and served in several Government posts before joining the Court in 1924. He earned a law degree from George Washington while with the Court. He lives with his wife, Virginia Comer Willey, at 3214 N. Wakefield st., Arlington, Va.

Chief Justice Warren said "we will miss him greatly. The Court is indebted to him for his long and distinguished service."

Willey said his future plans are indefinite but "thoughts of spending the winter months in Florida golfing and fishing are very appealing."

Willey is considered an expert on Supreme Court practice and procedure and has written many articles for legal journals.

After World War II he worked in Germany as American Secretary to the International Military Tribunal at the Nazi war criminal trials.

His successor, aged 39, was born in Hopewell, Va., and holds a Master's degree from Harvard Business School and a doctor of juridical science degree from Yale University. He was a member of the Maryland legislature for four years.

Tolson _____
Nichols _____
Boardman _____
Belmont _____
Mason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Nease _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

Wash. Post and Times Herald 8
Wash. News _____
Wash. Star _____
N. Y. Herald Tribune _____
N. Y. Mirror _____
N. Y. Daily News _____
Daily Worker _____
The Worker _____
New Leader _____

Date APR 23 1956

*Noted in Leg. Reg.
4-24-56
mg*

ENCLOSURE
62-27585-44

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 4-26-56

FROM : L. B. Nichols

SUBJECT: ~~REQUEST FOR INFORMATION RE COMMUNISM,~~
~~SUPREME COURT LIBRARY~~

Tolson _____
 Nichols _____
 Boardman _____
 Belmont _____
 Mason _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Nease _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

_____ of the Supreme Court Library, telephoned Wick this afternoon at 4:30 p. m. and stated she had been having considerable difficulty running down, for "one of the Justices," the answers to the following 2 questions:

1. When was the last time the Communist Party, as such, has appeared on the ballot in California? (Either Federal or state ballot.)

2. Was the Communist Party, as such, carried on any ballot anywhere as late as 1952 in the United States?

She said she would appreciate any help we could give her inasmuch as she has practically exhausted all her sources in getting the answers to these questions.

This matter may relate to the impending decision of the Supreme Court on the constitutionality of the registration provisions of the Internal Security Act of 1950. Inspector Sullivan of the Central Research Desk has advised that he will attempt to answer question #2 above so that _____ may be advised the morning of Friday, 4-27-56.

It is believed that the answer to question #1 can best be supplied by the San Francisco Office, which covers Sacramento, and it is recommended that we telephone that office to make a search of its files or discreet inquiry so that we can have the answer to this question before noon, EST, 4-27-56.

REW:hpf
 (4)

Being Done 4-26-56

THIS
 CAN BE
 RECORDED

INDEXED

62-27585-45

cc - Mr. Boardman
 Mr. Belmont

NOTE: _____
 (ABOVE) WAS ADVISED BY
 WICK AT 10:00A 4-27-56
 THAT WE JUST COULD
 NOT HELP HER.

5 - MAY 2 1956

I do not think we should answer either for if by chance we are not correct then we will get the blame. Matters like these are not our job. L.

100-3-70-1

210

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 4-2-56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

JPM

Original filed in: 66-1731-101

Page A3183

Senator Martin, (R) Pennsylvania, extended his remarks to include an editorial which appeared in the Pittsburgh Sun-Telegraph, entitled "He Dissent." This editorial deals with two recent decisions of the Supreme Court, one relating to State penal laws against subversive activities, and the other involving a dismissed college professor in New York. The editorial protests the Supreme Court rulings, as an invasion of State's rights.

RECORDED - 51

INDEXED - 51

NOT RECORDED

138 MAY 7 1956

100-27525-46

In the original of a memorandum captioned and dated as above, the Congressional Record for 4-1-56 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

71 MAY 11 1956

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-22-56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 44102- Senator Bridges, (R) New Hampshire, extended his remarks
44103 to include an editorial from the Chicago Daily Tribune of
May 15, 1956, entitled "Legislation From the Bench." Mr.
Bridges remarked that it is worthy of the consideration
of all Members of Congress, as well as citizens generally
in the country. This editorial deals with the Supreme
Court decisions, and legislation that has been introduced
in Congress to counteract the growing tendency of the Court
to center all authority in the Government, thus invalidating
the State laws, etc.

INDEXED - 15

62-225-4
NOT RECORDED
138 JUN 5 1956

77
In the original of a memorandum captioned and dated as above, the Congressional
Record for 5-22-56 was reviewed and pertinent items were
marked for the Director's attention. This form has been prepared in order that
portions of a copy of the original memorandum may be clipped, mounted, and
placed in appropriate Bureau case or subject matter files.

Original filed in: 62-225-4/242

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: MAY 25 1956

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 8005-8008 Senator Wofford, (D) South Carolina, requested to have inserted in the Record an article entitled, "The Supreme Court Must Be Curbed," which was published in U. S. News & World Report in the issue of May 18, 1956, written by former Supreme Court Justice James F. Byrnes. Mr. Wofford remarked

that in his article, Mr. Byrnes has declared that the Court did not interpret the Constitution, but amended it, with reference to the decision on May 17, 1954, declaring segregation in public schools to be unconstitutional. Mr. Wofford expressed his wish that this article were required reading for every student in the schools of this country. References to the Department of Justice, contained in the article, have been marked for your attention.

Pages 8057-8058 Senator Goldwater, (R) Arizona, spoke on the subject of the Supreme Court and the Constitution, pointing out that he was in accord with Attorney General Brownell who said that our duty to the people is to support the Government, if we are to avoid anarchy. However, Mr. Goldwater remarked that recent decisions of the Supreme Court, particularly the recent one in the field of labor, relating to States rights, have caused him some apprehension. Mr. Goldwater inserted two articles on this subject, written by David Lawrence, and published in the Washington Evening Star of May 23 and May 24, 1956.

Pages 44174-44175 Congressman Adair, (R) Indiana, extended his remarks to include an article from the Wall Street Journal of Thursday, May 17, 1956, relating to the Supreme Court, and the curbing of the judiciary. It is pointed out in the article that there is no need to curb the Supreme Court's powers. It goes on to say that there is only a need to curb the use of the Court as a reward for political service or a sine-cure for political friends.

In the original of a memorandum captioned and dated as above, the Congressional Record for MAY 24 1956 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

62-27585-4
NOT RECORDED
117 JUN 15 1956

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 6-1-56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

DUK

Pages 8372-8374 - Senator Goldwater, (R) Arizona, spoke concerning the rising tide of question over the recent decisions of the U. S. Supreme Court. He remarked that the people do not want a government centralized in Washington, but they want it close to home, where they can watch it. Mr. Goldwater pointed out that two Americans have devoted time to preparing their thoughts on the recent activities of the Supreme Court, and he requested to have these articles printed in the Record. The first was by David Lawrence, entitled "Eroding the 48 States," from the U. S. News & World Report of June 1, 1956, and the second article was entitled "Supreme Court Against Bill of Rights," written by Frank Chodorov, appearing in the May 26, 1956, issue of Human Events.

pc

In the original of a memorandum captioned and dated as above, the Congressional Record for 5-31-56 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

230

62-37595-1
NOT RECORDED
117 JUN 28 1956

Original filed in:

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 6-6-56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 8607-
8608

Congressman Huddleston, (D) Alabama, introduced a bill, H. R. 11600 to limit and regulate the appellate jurisdiction of the Supreme Court of the U. S. Mr. Huddleston spoke in defense of his bill, stating that the legislation would reestablish and reaffirm the basic constitutional doctrine of the separation of powers between the executive, legislative and judicial branches of the Federal Government. He pointed out that this legislation is vitally needed to correct a gross abuse of power under our constitutional system, and that he would request that hearings be held on the bill immediately. Copies of this bill will be obtained and a memorandum prepared.

In the original of a memorandum captioned and dated as above, the Congressional Record for 6-5-56 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in the appropriate subject file or subject matter files.

62-27-8
NOT RECORDED
117 JUN 25 1956

Original filed in:

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols

DATE: August 17, 1956

FROM : M. A. Jones

SUBJECT: ADMISSIBILITY OF CONFESSIONS (STATE CASES)
SUPREME COURT DECISIONS

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

SYNOPSIS:

A review of criminal cases in which the U. S. Supreme Court delivered opinions during the period from the October, 1941, term through all cases reported up to July 2, 1956, shows that in this period the Court decided 14 cases in which the admissibility of confessions obtained by state, city and county law enforcement officers was a principal issue involved. In one of the cases the issue was decided by unanimous decision of the Court. In 8 cases the issue was decided by a majority of 6 and in 5 cases the issue was decided by a majority of 5.

There is attached a memorandum from Mr. Harbo to Mr. Tolson dated August 16, 1955, which sets forth the 14 cases reported up to June 6, 1955. A review of the record from June 6, 1955, through cases reported up to July 2, 1956, reflects no additional opinions.

RECOMMENDATION:

None. For information only.

Enclosure

cc - Mr. Nichols

cc - [REDACTED] Room 5250

(5)

RECORDED - 96
INDEXED - 96

25 AUG 29 1956

CRIME REC.

1956

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

- ☒ For your information: This serial was previously released
to you regarding another matter.
- ☒ Free Union, released on 5/25/88.
- The following number is to be used for reference regarding these pages:
62-27585-49 inc.

XXXXXX
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XXXXXXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
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